

LT

Techniques for enhancing soil fertility, ~~mulching~~, ~~weeding~~, compost, filled ditches, in some places elaborate water control (irrigation, drainage etc) Crop selection for climate & soils (Sven Arvidson)

STATEMENTS ABOUT ~~adaptation to seasonality & drought~~

TRADITIONAL LAND USE AND AGRICULTURE IN THE PACIFIC ISLANDS

Based on Planning, great events

Bill Clarke

The following ^{knowledge} ~~is~~ ^{due to} archaeology etc - the sciences.

1. Pacific agriculture is not a simple or a prehistorically recent transfer from Southeast Asia. Instead, it has great time depth, and Pacific-Island peoples have domesticated a large number of indigenous plants and developed high intraspecies variety within many domesticated species.
2. Rather than uniformity of land use and agricultural systems throughout the Pacific Islands, there is a "segregation of subsistence systems". That is, although there is a set of domestic plants identified with the Pacific (taro, swamp taro or *Cyrtosperma*, yams, coconut, breadfruit, *Pandanus*, and so forth) and arboriculture is important in most places, Pacific-Island land users have developed myriad distinctly different ways of combining crops and agricultural techniques in response to different environments, needs, skills, and knowledge bases.
3. Pacific-Island agricultural systems are not only different now in space, they have also changed frequently through time -- that is, the history of agriculture in the Pacific is dynamic.
4. Early Pacific-Island colonisers were not "in harmony" with their environment. Their activities brought many extinctions, most notably of birds. Their clearing, burning, and gardening caused land degradation still visible today. But they also, partly in response to their own destructive economy, acted to enhance the landscape.
5. Agricultural intensification is a widespread phenomenon in the Pacific but is often mixed closely with less intensive practices. The cause of intensification is not the simple result of an increase in population. Disintensification also happens.
6. Agriculture is closely linked with social life -- e.g., skill in gardening -- perhaps gardening magic -- brings prestige. Social production leads to higher yields.
7. Pacific-Island agriculturalists possessed a wide range of sophisticated techniques for dealing with agricultural stresses such as drought, waterlogging, frost, infertile soils, decline in soil fertility over time, crop pests, salt spray, particular plant-mineral requirements, and so forth.
8. They also had many adaptations to ensure a steady supply of food in the face of seasonal peaks and lows of harvest from particular crops.
9. Traditional Pacific-Island land use had to do with managed landscapes rather than single fields -- perhaps a significant difference from modern agricultural economies.
10. In recent decades, the traditionally complex, polycultural Pacific-Island agriculture has been characterised by simplification.

No single individual held specific rights for long. "Rights of descent" can "grow old" - No long rights of a distance

Not for profit - there were families. Some storage, sauces, fermenting, etc. Mixed of hunting, gathering

As above not visible

as we do today

Perhaps 150 named varieties of breadfruit - in selective planting produce over wide period.

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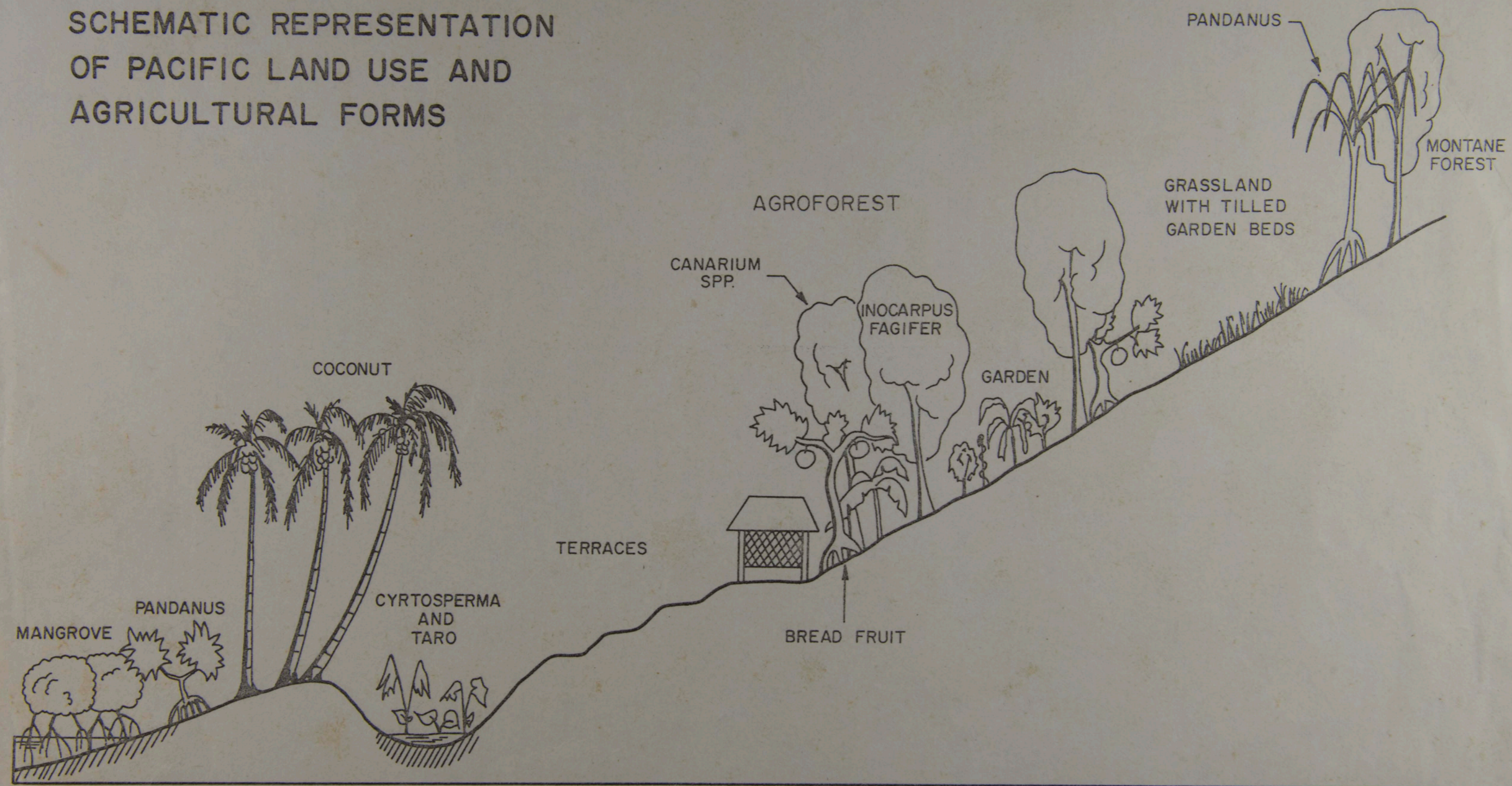
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SCHEMATIC REPRESENTATION
OF PACIFIC LAND USE AND
AGRICULTURAL FORMS



3 -

Pacific Way

According to a report by scientists published in the July issue of the journal Science, the level of concentrated methyl chloroform threatening the Earth's ozone layer has been falling since 1990; a related article in the same issue confirmed a finding first reported two years ago that CFCs almost have stopped increasing as well, trending toward a peak by 1997 rather than 2000.

POLITICS OF PACIFIC LAND & PEOPLE 95

WPR 15 Oct

(42):3

■ IN FIJI, landowners near Lautoka earlier today defied a high court order by entering a factory and ordering workers out of the premises on grounds the plant's owners do not have a lease with the Native Lands Trust Board (NLTB) . . . At a late September meeting, the cabinet decided to proceed with legislation to make all state land in the country indigenously-owned; representing 10% of all land, the property would be transferred from the government lands department to the NLTB . . . At a meeting in Suva in July, the Great Council of Chiefs decided to remain active in politics but not to make a submission to the constitutional review commission after being informed that provincial delegates had made their own preparations for submissions . . . Calling for a more enlightened "Pacific Way" of rehabilitating prisoners, Home Min. Paul Manuelli at a regional meeting of prison heads said Pacific island countries, which share common values and traditions, should solve their problems in their own way . . . Then-Fijian Affairs Min. Adi Samanunu Talakuli in July warned that traditional values and relationships were being damaged by greater reliance on money and materialism . . . At a conference in Suva, Rev. Dick Avi, secretary of the Pacific Branch of the Ecumenical Council on Third World Tourism, has warned Pacific

Who more than her!!

INTERNATIONAL MEETINGS, GROUPS & REPORTS.

Donor countries to the **ASIAN DEVELOPMENT BANK (ADB)** have told delegations from the Federated States of Micronesia and the Republic of the Marshall Islands they will need to reduce the size of their governments as a condition for Bank support; FSM External Affairs Secretary **Asterio Takesy** said: "We're asking for an expression of support for the extremely difficult and painful reform program on which we have embarked." . . . ADB has approved a \$3.6 million loan for an agricultural project in Tonga's outer islands; the bank also will provide technical assistance grants worth \$1.45 million to support the loan. . . **SOUTH PACIFIC FORUM** members have met to discuss a plan to reduce the Forum's nine divisions to five and turn over some programs to other regional organizations to sharpen the Forum's focus on policy advice, trade and external relations has deferred a decision on the downsizing to the next Forum summit although a reduced budget based on the restructuring was approved . . . The Brisbane-based **FOUNDATION FOR DEVELOPMENT COOPERATION** has issued a report which finds the economic future of the region positive despite poor performance over the past decade; the study recommends a regional finance institution modeled after the Caribbean Development Bank be established . . . Forum finance ministers have met in PNG to consider ways to improve the region's economy; making investment codes compatible with those in APEC was discussed; ministers agreed to promote investment in the region by adopting more open investment policies based on APEC's non-binding principles . . . the **MELANESIAN SPEARHEAD GROUP** has announced changes to its trade agreement, removing all import duties among them on beef, tuna and tea . . . At the fifth heads of government summit in Bangkok last month, **ASEAN** leaders agreed to expedite the admission of Laos, Burma and Cambodia to the group and to speed up full implementation of **AFTA**, the organization's free trade area, to 2003, when AFTA will have over 400 million people and a global trade of nearly a half trillion dollars . . . **UNITED NATIONS** Secretary General **Boutros Boutros-Ghali** has expressed regret at the U.S. decision to withdraw from the UN Industrial Development Organization (**UNIDO**) effective next December 31; U.S. withdrawal will cut UNIDO's \$105 million budget by a quarter, forcing a 25% staff reduction; the U.S. Congress has refused to pay \$1.25 billion in back dues pending reform and scrapping of some agencies, including the UN Conference on Trade and Development (**UNCTAD**) and various regional economic commissions such as **ESCAP**; At a dedication ceremony in Geneva where he is U.S. representative to UN agencies, Amb. **Daniel Spiegel** launched an attack on Congress, saying "Unbeknownst to the vast majority of the American

people, the isolationists in Congress are slashing UN budgets by staggering amounts, taking the organization to the very brink of bankruptcy;" Republican Congressional leaders have demanded Spiegel's dismissal . . . In his statement before the **UNGA** Fourth Committee in October, U.S. Advisor **David Wallace** said: "This committee should consider whether it needs to continue operating through the filter of a special committee [on decolonization] set up more than thirty years ago under circumstances that simply no longer apply." He also suggested the committee's resolution "should make clear that visiting missions are not necessary in every, or even most, cases." The special committee each year considers, among others, the "questions" of American Samoa and Guam . . . This year's National Defense University Pacific Symposium "U.S.-Japan-P.R.C. Tripartite Relations: Foundation for a Stable Pacific Community?" is set for Ft. Mc Nair in Washington, February 13-14. Aussie DPM **Kim Beazley** is the keynoter. Call (202) 287-9230.

POLITICS OF PACIFIC LAND AND PEOPLE.

A cultural group from Polynesian Tuvalu has visited Micronesian Kiribati to strengthen the cultural heritage of the two neighboring island countries, which once were joined as the British Gilbert and Ellice Islands Colony . . . Traditional healers in Kiribati have met in South Tarawa to form an association to foster a closer relationship between Western and traditional medicine and healers; farmers were lobbied to plant more herbal medicine plants, which are said to be in decline in the country . . . A national workshop on "sustainable development of traditional medicine and non-timber products" has been held in Solomon Islands with an eye toward giving special recognition to indigenous people, their knowledge and traditional practices towards sustainable development; Forests, Environment and Conservation Minister **Allan Kemakeza** warned attendees to protect their traditional medicines from exploitation by foreigners . . . The Fiji-based Pacific Concerns Centre has called for USP to freeze its contract with Smith-Kline Beecham, a major American pharmaceutical company, warning that Fijians may be tempted to give away plant samples for small return when the plants may be developed into medicines which earn large profits for foreigners . . . The Opposition Fijian Association (FA) has criticized Attorney General **Kelemedi Bulewa's** proposals to legalize witchcraft, although party leader **Josevata Kamikamica** said he would support writing Fijian customs into law; after strong reaction from Catholic and Methodist leaders, the government has distanced itself from Bulewa, who argues current law banning witchcraft is inconsistent

LANDS

WPR
14 (7) 5
1/1/96

- 4 -

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with the constitutional guarantee of freedom of religion . . . Fiji opposition MP **Viliame Cavubati** (FA) has called for extensive tax breaks and quota allocations to encourage indigenous Fijians in business . . . The Fiji Mineworkers' Union has renewed its call for the Australian-owned Emperor Gold Mining Company to leave the country because the gold and associated minerals belong to the local people . . . Australian economist **John Fallon** told a meeting of businessmen in Lautoka that the future of sugar cane land leases due to expire beginning next year could lead to economic crisis if not resolved soon; the government says it will begin reviewing 14,000 existing leases this year; Labour Party Leader **Mahendra Chaudhry** says he is ready to tell ethnic-Indian cane farmers to quit the land over the uncertainty of the leases . . . Fiji urged the UN to adopt a draft declaration on the rights of indigenous people to make meaningful the UN-proclaimed 1994-2004 "Decade of the World's Indigenous People" . . . Lihir landowners blocked the only road linking the island's airstrip with the mine site, demanding to know how they would benefit from a contract to develop a quarry connected with the mine on the island; differences took a month to resolve; in a bid for compensation for the site, landowners in the Eastern Highlands seized a repeater station at Mt. Otto, disrupting all communications to Goroka, Mount Hagen, Madang and a number of other urban areas; meanwhile, the war among Fly River landowners, BHP, the PNG parliament and the Australian court system over Ok Tedi Mine environmental compensation continues . . . Solomon Islands Chief Forestry Officer **Gideon Bouro** says the country needs a long-term policy on forestry to safeguard traditional landowners, saying extensive logging diminishes social, economic and cultural values . . . The European Union has approved funding for a major study on preserving the cultural heritage of Melanesia; the study also will suggest ways to minimize the adverse social and cultural impacts which are associated with economic development . . . Cook Islands Civil Aviation Minister **Joe Williams** has been criticized by landowners who are opposed to any expansion of the runway at Rarotonga's international airport . . . The state government's Ethnic Affairs Commission has held an historic one-day forum in the northern New South Wales town of Kingscliffe to enable the area's 1,400 South Sea Islander ethnic minority to have its say about government services; the group, numbering some 20,000 nationwide, only last year received recognition as a distinct ethnic group in the country . . . A report on native rights issued by Aboriginal and Torres Strait Islander Social Justice Commissioner **Mick Dodson** indicates that, in 1994, Aborigines accounted for more than 16% of the people who died in police custody or in jail although the group accounts for only two percent of the whole population . . . Aboriginal native land rights,

regarded by Labor as a major achievement in its term of office, is shaping up as an election issue, with conservative politicians saying the settlement is hindering economic growth; Western Australia Liberal Premier **Richard Court** has called for a complete overhaul of the nation's native title laws, which he says are affecting almost half the mining leases in his state; new laws became necessary with the landmark 1992 Mabo court decision which overturned the country's *terra nullius* notion that land belonged to no one prior to European settlement . . . In preparation for a major indigenous people's economic conference planned for next year, an OECD delegation has undertaken a study tour of Australia's Aborigines and Torres Strait Islanders . . . Community leaders in the Torres Strait have met to discuss moves towards self-government . . . NZ police arrested five people in connection with a quarrel over fishing rights in the Chatham Islands after islanders objected to mainland crews taking over their fishing grounds, in a culmination of trouble which had been brewing for years; at a court appearance over the incident, Mayor **Pat Smith**, who claims the island is contributing tens of millions of dollars to the New Zealand economy each year with little in return, said the islanders were talking with lawyers about how to win autonomy within a federal framework . . . Parliament in October passed legislation returning 15,000 hectares of land and paying \$110 million in claims to the Tainui tribal Confederation on the North Island of New Zealand; eleven days after **Queen Elizabeth** signed the legislation during her visit to New Zealand, South African President **Nelson Mandela**, on the first day of his state visit to NZ following CHOGM, pledged solidarity with the Maori independence movement at the home of the Maori Queen on the land of the same tribe . . . In order to minimize the chances of disruption, the NZ government says the prime minister and governor general no longer will attend Waitangi Day celebrations at the traditional site because of the disruption at this year's ceremonies by Maori demonstrators; the Labour Party has criticized the decision; in a bid to accelerate researching of Maori land claims, Treaty Negotiations Minister **Doug Graham** has announced an extra \$500,000 funding for the Waitangi Tribunal over the next two years; the money also will help create regional "land banks" to which all surplus crown-owned land will be transferred for use in claim settlements . . . a leading Maori activist, **Ken Mair**, was sent to prison for three weeks in contempt of court for chanting a traditional prayer in a NZ court on behalf of a friend who was facing an assault charge . . . A shortage of Kiwi feathers, due to the bird's protected status in NZ, has resulted in co-operation between an aboriginal community in Western Australia and the Tainui tribe, with similar Emu feathers being shipped over and substituted . . . A planned circumnavigation of NZ with 11 port stops by

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Herald 19/10/96

The challenge was one he trained himself to accept, for he is a man of tremendous energy, of ideas and, above all, of boundless enthusiasm for new schemes.

His reign has been highlighted by innovative projects, such as opening Tonga's doors to tourism, encouragement of foreign investment, establishment of small industries, exploration for oil and underwater minerals, and the free movement of Tongans overseas to work and study.

Banks were opened, air and sea transport improved and the controversial sale of Tongan passports to foreigners wanting to reside in the kingdom went ahead.

IN a recent interview with the *Matangi Tonga* magazine before embarking on an overseas trip, the 78-year-old monarch hinted that land in Tonga was becoming scarce as the population grew.

"Government is trying to acquire land overseas, in Papua New Guinea. And on this trip I will be looking at land in Hawaii ..." he told the magazine.

For this reason and others, Tongans have moved overseas to start new lives. Most are in New Zealand, Australia and the United States but some can be found in Britain, Canada and in Asia.

For the past decade or so, the kingdom's highest form of income has been remittances from expatriates, some of



REGAL SETTING: The Royal Palace and grounds in Nuku'alofa.

whom felt that gave them the right voice their views about politics in homeland.

Wrong. To the staunch royalists, Tongan politics should be left

WPR 14 (10) : 6
15/2/96

- 6

for aid from elsewhere around the world;
ning Solomons refusal for rejecting British
ian help to implement sustainable logging
Fiji to end racial discrimination, dismissing
other countries not to meddle in its internal

TICS OF PACIFIC LAND & PEOPLE.

Torres Strait visiting rights of Mabaduan
PNG were revoked after a riot broke out
ling festivities on Saibai Island in December
downers are threatening to close PNG's only
oil field unless enough shares in it are
to a company they have established to sell
not market; further talks are to be held . . .
nounced a new compensation package for
affected by environmental damage from the
dmine . . . Police have arrested several
protesting logging operations on Monō
omons' Western Province; the High Court
an end to the logging in the wake of the
. NZ Treaty Negotiations Minister Doug
offered direct negotiations with Far North
their \$120 million claim which has been
aitangi Tribunal for years . . . In the wake
s incidents, the NZ government held the
uitangi Day observance in Wellington last
tangi, where police clashed with 400 Maori
emanding sovereignty and independence,
representative DPM Don McKinnon says the
nay need to remain split until the turn of
meantime former Labour PM Mike Moore
ation which again would designate the
ew Zealand Day . . . A South Korean firm
a multi-million dollar agreement for a joint
a Maori tribe to harvest timber on their
and . . . Fiji says it will sponsor an
help indigenous Fijians learn how to grow
er to take over sugar operations as Indian
expire over the next few years . . . A
nerge the Department of Hawaiian Home
e Office of Hawaiian Affairs is running into
ie move would need a state constitutional
. . . The premier of Western Australia's
nment says a Coalition federal government
to extinguish native title rights as the only
r to secure pastoral leases, an assertion
at John Howard has said in recent months
s have filed with the National Native Title
oria's largest claim, which includes vacant
two of Victoria's largest towns, as well as

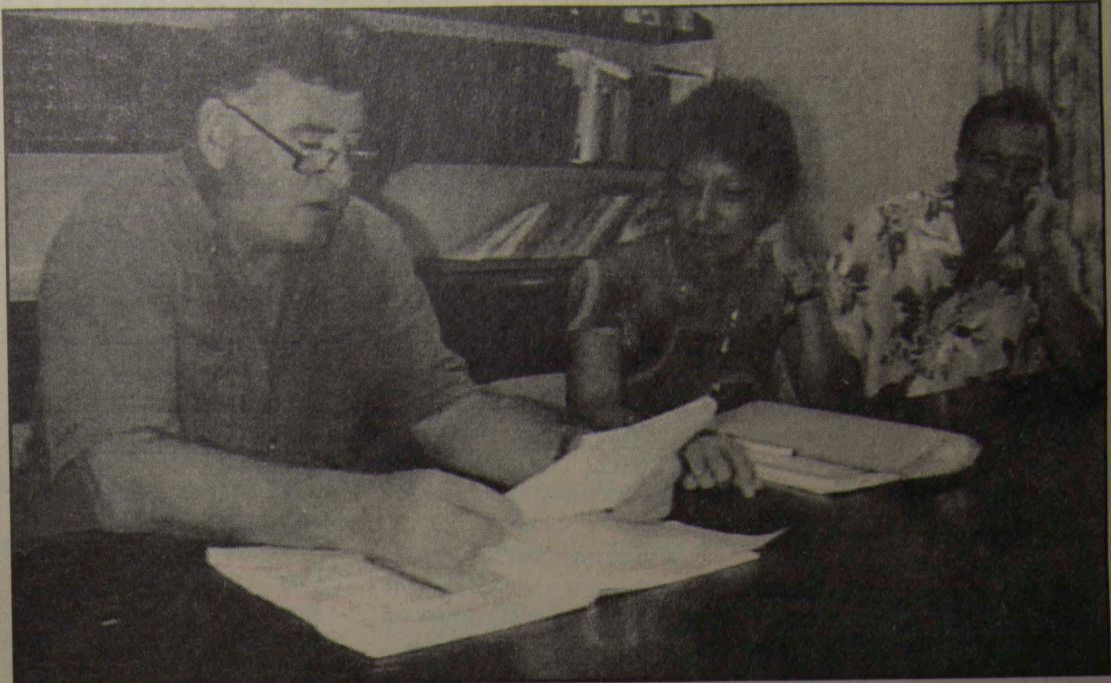
Lawyers and land court — do we use

Ask lawyers what they think of the Land Report recommendation to take legal eagles from the Land Court, and they say 'no way!' But what's more interesting is that they think losing the little bread and butter they make from land cases is nothing compared to "more scary" aspects of the Report.

"My first reaction was just unbelievable," says lawyer Tina Browne, "I didn't believe what was coming out of the report." Or what was left out.

A mixed group of Browne and other lawyers Paul Lynch, Mike Mitchell and Tim Arnold spoke to Lisa Vainerere soon after the report was released, about the question of lawyers in the courtroom. They say submissions from legal minds about lawyers in the land system and their feelings about what should be done were left out of the report. "From what came out, it looked like it didn't really matter," says Paul Lynch, "the agenda had already been set."

With so much of the post-report focus leaving out what lawyers think, CInews catches up in the first of a two part series with some lawyers on a document that will have a huge impact on land tenure in the Cook Islands.



Local lawyers — painted in the Report of the Land Commission as the villains of the court-room.

TIMARNOLD: The role of a papa'a lawyer is seen differently.

When you get a European involved, particularly when people are on the losing end of an argument, they'll bring anything in to try and tip the balance or whatever and the lawyer comes in for some personal criticism — whether it's justified or not.

QUESTION: In terms of what the Commission says about the public image of lawyers, do you accept that?

TINA BROWNE: I think we have a bad image with those people that have unfavourable decisions made against them — you'll find that the only people who actually speak are those people that are unsatisfied with what the judgement has been in court — that's when you find people that say it's because there was a lawyer on the other side, I can tell you that where there is not a lawyer on the other side the judge basically bends over backwards to help that particular person and you find that you actually have a bigger argument because there's you against him and the judge. And that's really the way we've seen it — it's certainly not easier.

PAULLYNCH: I think there are bigger issues away from just the fact about the limited legal representations. Some of the solutions being proposed in here are quite scary and contradictory....

QUESTION: you mean in terms of taking lawyers out of the courtroom?

LYNCH: No, no not lawyers at all, I think that's a small factor. Personally it's a factor but as far as the report goes there are worse things in here than that.

BROWNE: If I wasn't a lawyer the thing I would be against is that it takes away my choice. If that was me, I'm a landowner, I'd like to choose who I want to represent me. Now if I can't speak, if I can't get up in court and speak, I'd like to be able to say who I wanted to be in court for me. I don't want any legisla-

tion telling me 'you have to represent yourself or you may have to get a family member' who may not be doing a good job — I feel that if the Commission had done enough research into what has happened as far as representation is concerned throughout the years — we've had this sort of thing 50-plus years ago .. today we find that many of those situations we've had to try and sort out because of that sort of thing.

QUESTION: What is 'that sort of thing'?

MIKEMITCHELL: It's unqualified people...

BROWNE AND ARNOLD: Unqualified people representing, basically ..

BROWNE: ... and it's the same thing — [name withheld] is a classic example... he goes into court and he speaks and represents people, very authoritatively, and this is what has been suggested. [Three other names are mentioned in connection with this].

ARNOLD: Basically, the thing about the land court is that everything is written down and has been written down since the turn of the century. We've got 90 odd years of written records which demonstrate quite clearly that unqualified representatives in court in a statistically significant number of cases have led the court astray either intentionally or otherwise, and all of us here are aware of time and money that's had to be spent in recent years undoing things that were clearly wrong — which with the benefit of having sat down and having been paid to do the job and research, you're able to demonstrate that what this person stood up in 1945 and said was just so much hogwash. And the problem you're going to get I believe if you have a return to unqualified agents, particularly if you're going to have a lay bench, is you're going to have the blind leading the blind.

BROWNE: But you have a 'blind judge' being proposed so what the hell — everyone's

going to be blind.

ARNOLD: If you don't like what we're doing you can take us off to the Law Society. If we don't do our job properly we can be struck off and as you've heard, the land is only a small part of our business. If we get struck off we can't conduct any of our business, so there's a powerful incentive to play a straight game.

QUESTION: What is the money like?

ANSWERS: Browne says 25% of her income, Lynch says 30%, but Arnold and Mitchell say a lot lower than that.

BROWNE: ... that gives you an indication of how low it is as far as our full income is concerned — and that really is basically local business, and that takes care of mortgages, not just appearances in court. It's like this if I can give you a good example — we had succession applications heard recently, straightforward succession applications before a JP. I have people coming up and asking if we can act, I tell them no because it's too costly, it's something they can do, in any event if there's an objection it will be adjourned automatically. They don't go into the merits of the application. The number of people that still want you to go down

and stand up and just say 'yes I act for so and so' is just amazing. I have somebody like [name withheld]. She's not silly, but she refuses to do that. So I have to trot down to court and do that for her.

QUESTION: How much is something like that?

BROWNE: We do it on a time basis, it's appearance...our rates all differ, I suppose it depends on how fast you talk and how slow your case goes...

MITCHELL: It's not regarded as a lucrative part of legal practice.

QUESTION: So what about

What the Commission said about Lawyers in court:

The Commission of Inquiry into land is chaired by Judge Elliot Smith with Nikau Tangaroa, Tere Mataiao and Cecilia Short as members. It was released on March 25th and formed the basis for Land reforms currently being sought by a Parliamentary Select Committee headed by Justice and Lands Minister Tiki Matapo.

When dealing with land and lawyers, the Commission found:

- * Land laws are unnecessarily complicated and have been abused by those with wealth and power.
 - * Most people do not want lawyers involved in land disputes.
 - * Many landowners cannot afford legal representation, but still need legal advice to understand and protect their land rights.
 - and recommended:
 - * Land laws shall be rewritten and simplified so all Cook Islanders can understand them and exercise their legal rights.
 - * Professional representation in Court shall be restricted.
 - * A court legal advisor shall be available to give legal advice to the public at a minimal charge.
 - * Court mediators, including perhaps traditional leaders, shall assist the public in settling disputes.
- An "extraordinary amount" of the input received by the land Commission dealt with the issue of representation in land court.
- "To sum it up, most Cook Islanders do not want lawyers anywhere near the Land Court. This may sound harsh, and it may be unfair, but this is the feeling of almost all the people who appeared before the Commission," said the report.
- The reasons ranged from feeling intimidated in Court when lawyers questioned them, to feeling uncomfortable with lawyers handling so-called "family" land disputes.

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Brierley Investments	130	131	130	1791000
Carter Holt Harvey	338	339	338	485800
Ceramco Corp	170	175	170	17300
Fisher & Paykel Indust Ltd	444	445	445	301500
Fernz Corporation Ltd	423	425	423	8700
Fletcher Challenge Building	295	296	295	477600
Fletcher Challenge Energy	309	311	309	717800
Fletcher Challenge Forestry	187	188	188	1352000
Fletcher Challenge Pulp & Paper	258	259	259	1353100
GPG PLC	74	75	75	341400
Helicopter Line Limited	280	285	285	2300
Lion Nathan Ltd	360	362	360	104100
Noel Leeming Ltd	96	99	97	7000
Newmarket Property Trust	70	71	70	9000
Progressive Enterprises Ltd	114	115	114	31200
Telecom Corporation Ltd	580	581	581	1357600
TNZ TeNZ	1045	105	1045	352300
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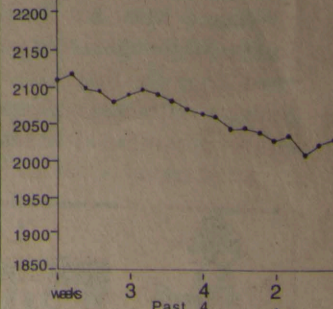
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TV MONDAY

6.00 Children's Programme

7.30 Te Rongo Veka

8.00 Karioi

8.30 TVNZ News

9.30 Charisma Magazine/Benny Hinn

them or lose them?

the public perception that lawyers are raking it in from land court?

MITCHELL: I don't agree with it ['Yes, I don't agree' — a chorus from the others] — I don't agree with the Commission, and I find it hard to accept the findings of the Commission in that there is such a widely held dislike and mistrust of lawyers, because I get the least land court work of anybody in this room but I have frequently ...

ARNOLD interrupts: No, I don't do any Mike.

MITCHELL: I have frequently been asked to involve myself with the court. I'm a papa'a lawyer so I don't agree with Tim that there's some sort of mind set against papa'a lawyers over and above Cook Islands Maori lawyers. Putting that to one side, if there is this terrible sort of abhorrence from the community, why are these people all knocking on our doors and asking for advice — if you have a problem, if your car breaks down you go to a mechanic.

If your plumbing rots you get a plumber. If you have a legal problem you go to a lawyer — whether it's a land matter or anything else.

BROWNE: If you've got a health problem you go to a carpenter, according to Elliot [Land Commission chairman].

MITCHELL: I can't dispute their findings — that's what they say the people said who came before them.

BROWNE: Since last week [the Report's release] the majority of people came to see me to say 'are we going to have a venue whereby we can address the Commission because we want to tell them what our feeling is'. He [Chairman Elliot Smith] says in the report he has the majority. [Browne then refers to the various aronga mana and land owners whom bring their land concerns to the lawyers]....So who exactly are these 500 people [in the Report]? They may be 500

people with very small shares — I don't know.

LYNCH: They've been disaffected by some position in court, or maybe not even a real decision — maybe just a perception that the whole thing's wrong. I know of family meetings of 50 people where you'll always get two standing up making the most noise and often they're the ones who should not be talking at all. And I've got a feeling that's what's led this Report along as well, is the noisy ...wheels.

MITCHELL: There weren't that many people who actually made submissions ...

QUESTION: ..but now that the Commission has based their recommendations on these noisy people how worried are you by what they've said?

BROWNE: Quite honestly, probably not worried at all.

ARNOLD: Worried for the landowners ...

BROWNE: Yes, worried for the landowners — and it's difficult.

Quite frankly I'd rather be doing offshore work as well but I'm worried for the landowners because I don't think at the end of the day they're going to get a fair deal. And in any event, the lawyers don't go out and say to clients 'who-hoo please come into my office and give me some instructions', not at all. If they don't want to see a lawyer, they don't want to see a lawyer. If they see a lawyer, that's their business.

MITCHELL: One point though — in fairness to the Commission, what they're saying is there's a perceived imbalance on one side and the other side don't [see it]. That causes dissatisfaction. The other side, it is claimed, can't afford it. I suppose that situation may arise but I would be most surprised if Judge [John] Dillon or any other judge found that situation to act to the advantage of a represented person, because they often go bending over backwards to help

the other side. As for lawyers keeping out of land matters the facts are that they have demonstrated daily that they (land clients) do want us and we cannot turn them away we must look after them.

BROWNE: I think it's a little bit more serious than that.

It's not turning people away because you don't want them. At first you say to them 'I don't think its going to be successful, I think you're wasting your money'. Trying to turn them away I tell you is really difficult because immediately they think no, you're not turning them away because of what you're saying, you're turning them away because you're siding with the other side. And that sort of thing. So it's really quite difficult saying to people, 'no I can't act in this matter.'

ARNOLD: Only yesterday I had someone ring up, I had someone the day before come in to the office and sit down and try and explain things to me.

QUESTION: Isn't it [the issue of taking lawyers out of the courtroom] important then, if people think they still need lawyers because they can't do it themselves?

ARNOLD: Well that's why we're here talking to you.

BROWNE: It's very difficult for us. We have an interest in this business, you can't say that we're entirely objective, so we have a difficulty here. If we were just another client well we'd see it from that point of view. But I know that if I were a landowner, nobody's going to tell me what to do. I'd like to have that choice and I think I'm entitled to that choice.

MITCHELL: I think in areas of dispute people should be entitled to qualified legal representation. There's a very important issue there ...that people should be able to settle issues between themselves, between their bosses — a wife and husband or other matters that wouldn't necessarily go to court.

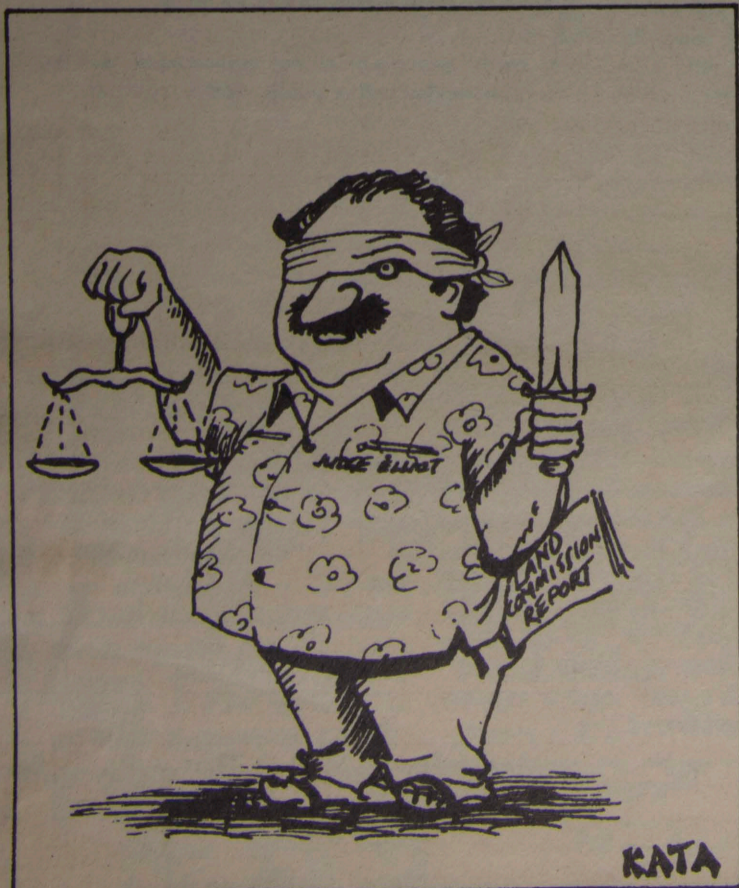
There is a constitutional right to be represented if you so wish, for whatever reason. A lot of people just feel inadequate or shy about the whole thing and they want somebody. They should be entitled to it. There is a worry for me to see a whole chunk of what is presently a jurisprudence of the High Court taken out of the ambit of lawyers and further more taken out of the ambit of qualified judges — with lay judges and lay lawyers, because it is too important, much as we may all dislike them, it's too important.

BROWNE: I think everybody feels that land is one of the most important assets any Maori has, and now we're saying 'oh well give it to non-qualified people, to non-qualified judges'.

MITCHELL: That's a contradiction. The most important thing is taken away from them.

(Next Tuesday: What really scares lawyers about the land report?)

— Lisa Vainerere



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Former SG on lawyers in court.

As far back as October 1995, former Solicitor-General John McFadzien had given his opinion on the issues raised by the Land Commission's report.

In a faxed comment to fellow practitioners on the issue of Lawyers in the Courtroom, this is what he said:

"Although the Commission has not requested my views on the matter, I note that there have been some suggestions from some quarters that lawyers ought not to be allowed to appear in the Land Division of the High court. The reason given, according to media reports, is that a party who can afford a lawyer has an advantage over a party who cannot. I have not appeared in the Land Division (except occasionally as an observer) for some ten years. Accordingly, I feel able to make the following comments without having any personal interest in the matter.

First, it is not the lawyers who are insisting on appearing. It is their clients who come to them for advice and ask that they appear. the commercial reality is, that compared to commercial work, appearances in the land Division are less lucrative from the lawyers viewpoint. *But Mitchell often has no other work.*
Second, the notion that the party with the lawyers has an advantage, is not borne out by practice. In such cases, the presiding judge usually goes to great lengths to ensure that the unrepresented party understands the issues, and is given every assistance from the bench in putting forward evidence, or views on the relevant issues.

Third, the exclusion of lawyers will not guarantee a level playing field. Some landowners, or their non-lawyers representatives, have a better understanding of the relevant issues, and are better advocates, than others.

Fourth, the exclusion of lawyers will result in longer hearings and more adjournments. This is because many landowners, due to lack of understanding of the relevant issues if unrepresented, will take up the Court's time with irrelevant matters. In such cases the bench has to lend assistance to both sides by explaining the issues, and granting adjournments to enable the parties to re-prepare their cases based on those issues.

Fifth, the reality is that matters involving ownership of land and interest in land are governed by statute and case law. Landowners and others are surely entitled to seek specialist assistance in such matters. To suggest that landowners and others cannot seek advice or be represented in matters involving land law by lawyers, is akin to suggesting that persons cannot seek assistance from accountants on accounting matters, doctors on medical matters, or electricians on electrical matters, etc. Next to their life, land is the most important and valuable asset a person is likely to own, and it is unrealistic in the modern environment to suggest that the owner of that asset is not entitled to seek specialist representation in the protection and use of that asset.

Finally, although I can speak only for the period 1981 - 86 when I was in private practice, I cannot recall the firm I was with ever turning away any client on the grounds that he or she could not afford the firm's services."

* McFadzien added his views on lawyers in land court were his own, not necessarily those of the Crown Law office or of the Government of the Cook Islands.

Mou te ko, mou te ere

This week's Agricultural News focuses on a "Practical Guide to Controlling Insects", adapted from the guidebook "A Practical Guide to Home Gardening in the Cook Islands", produced by the Ministry of Agriculture.

PRACTICAL METHODS OF CONTROLLING INSECTS

Nematodes - these are worm parasites that either stick their heads in a plant to suck the sap or actually spend their lives inside the plant. They can be controlled by:

- crop irrigation;
- enriching the soil with humus;
- planting marigolds in between rows; as their roots kill nematodes.

Caterpillars - these are the larval stage of moths and butterflies. Usually developing from patches of eggs on the underside of leaves, they feed on foliage and tender stems. Some control measures are:

- Handpicking and stemming on them;
- Touch the caterpillar with a rag dipped in kerosene to kill it;
- Use the same rag to touch the egg clusters so they can never hatch;
- Look for patches of eggs and clusters of young caterpillars on the undersides of leaves, nip off and burn those leaves.

Cutworms - they attack newly transplanted tomato, cabbage and other seedlings cutting them off at the ground level during night time. Some types climb up into the plant to chew the leaves. Large irregular areas are chewed out starting from the edge.

- A collar of paper or a tin can with top and bottom cut out and the seedling planted in the centre can prevent the cutworm from reaching the stem;

- When transplanting, stick a toothpick or a matchstick, or tough twig directly down the side of the plant, touching the stem. The cutworm then cannot encircle and cut the stem;

- Go out at night with a torchlight. Handpick and crush them.

- When seedlings are nipped off at the ground level, scratch under the soil surface near the plant to find the cutworm curled in a ring sleeping.

Next week, we'll look at controlling more insects in the garden.

Meitaki Maata.

Hard times hit housing — tenants moving, rents dropping

Tough economic reforms have helped halve the rental property market in the past two months with more and more houses lying empty around the island.

This is forcing Rarotonga's landlords' to dramatically cut rental prices with still no guarantee they will find tenants to occupy homes.

Property owner and local landlord Eddie Karika says less money in the community means tenants are leaving houses and new people cannot be found.

"I've had houses empty now for up to three months."

Karika owns eight of the 12 houses he manages, with four of his own homes currently vacant.

"That represents a 50 per cent cut in the market to me and I know other landlords are experiencing exactly the same thing."

The lack of demand means he has had to drop the rent on homes in the \$160-\$180 bracket down to the \$100 mark.

"And I'm still getting a very poor response unlike in the past when it only took me a couple of days to find occupants for a home."

Karika says landlords can no

longer rely on the ex-pat community to soak up the surplus as there seem to be fewer of them working in Rarotonga. "I'm just lucky I have no mortgages on my properties as then I'd be in real trouble."

He says pay cuts recently forced a young Cook Island couple to leave one of his houses and move back home to live with their family.

"Another of my tenants owes more than \$2000 in rent and

we're currently negotiating how that can be paid. It's bad news all round."

The situation will not change says Karika who believes landlords will have to adapt and start building cheaper houses to cater for the Cook Island market.

"That means we're probably looking at rents around the \$80pw mark with an absolute maximum of \$120pw in the future."

—Teresa O'Connor



PACIFIC / INTERNATIONAL

Mass jail break in Fiji to be probed

SUVA, June 10 - Fiji's cabinet called on Monday for the suspension of the prisons commissioner and other senior officers following a mass breakout here on Saturday night.

It has also asked for a full inquiry into the escape of seven prisoners from the maximum security prison just outside Suva.

Of the seven, six had staged an earlier escape, on March 15, after

which they gave media interviews to demand meetings with Prime Minister Sitiveni Rabuka.

Information Minister Ratu Jo Nacola told a media conference after Monday's special cabinet meeting, that it regarded the latest breakout "very seriously".

"Cabinet had expected that sufficient remedial measures would have been taken to prevent a recurrence," he said.

"It has therefore, become very clear to Cabinet that drastic actions have to be taken immediately."

In addition to the suspension of top prison officers, the cabinet has ordered the Commissioner of Police to immediately call up constables on reserve to reinforce the Police effort to round up the escapees.

At the same time, it wants the

normal police protection and law enforcement duties to be maintained at full strength and wants a full investigation into the breakout to be conducted by the

Ministry of Home Affairs.

The immediate installation of electronic surveillance systems in each of the main prison wards has also been ordered. —AFP

MP wage hike proposal causes criticism

APIA, 9 June - The recent government announcement that a salary increase for Members of Parliament was being considered has drawn public criticisms.

Some people are saying that except for Cabinet Ministers, the rest of the MPs should not get any salary increase because they hardly do any work.

"Parliament meets only twice or three times a year and that's the only time when they do any work," the critics are saying. "So why give them a salary increase? The public servants and labourers deserve better wages because they do all the work. Better salaries also keep them efficient and honest."

Finance Minister Tuilaepa Sailele Malielegaoi told parliament recently that Cabinet's Budget Committee was looking into the disparities in the salaries of public servants and the MPs.


Cabinet Ministers and the leader of the Opposition are currently earning \$33,000 annually excluding allowances and perks, whereas MPs are paid the basic salary of \$11,500, it has been revealed.

In comparison, the minimum wage is \$1.25 an hour or \$50 for a 40-hour week, according to the Labour Department.

The salaries and allowances of heads of government departments are: Legislative Assembly - \$39,577; Agriculture - \$41,388, allowance - \$12,307; Attorney General - \$46,118, allowance - \$15,385; Audit - \$46,118, allowance - \$15,385; Broadcasting - \$37,840, allowance - \$12,307; Customs - \$41,388, allowance - \$12,307; Trade and Commerce - \$41,388, allowance - \$12,307; Education - \$41,388, allowance - \$12,307; Foreign Affairs - \$41,388, allowance - \$12,307; Health -

\$41,388, allowance - \$12,307; Inland Revenue - \$41,388, allowance - \$12,307; Justice - \$41,388, allowance - \$12,307; Labour - \$437,840; allowance - \$12,307; Lands and Survey - \$41,388, allowance - \$12,307; Lands and Titles - \$41,388, allowance - \$12,307; Ministry of Transport - \$41,388, allowance - \$12,307; Youth, Sports and Culture - \$34,293, allowance - \$12,307; PM's Department - \$41,388, allowance - \$12,307; Post Office - \$41,388, allowance - \$12,307; Police and Prisons - \$46,118, allowance - \$2,000; PSC - \$41,388, allowance - \$12,307; Public Works - \$41,388, allowance - \$12,307; Statistics - \$37,840, allowance - \$12,307; Treasury - \$46,118, allowance - \$15,384; Women Affairs - \$37,840, allowance - \$12,307; Ombudsman Office - \$46,200, allowance - \$15,384.

—Samoa Observer/Pacpress

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BY REBECCA MACFIE

Ngai Tahu makes a killing on property mart

Lands Minister Denis Marshall this week conceded the agreement between the government and Ngai Tahu, allowing the South Island tribe exclusive rights to buy surplus Crown land, was a trade-off for lack of progress on the tribe's unresolved treaty claim.

Marshall said the agreement with Ngai Tahu allowing the tribe's trust board to buy property "land banked" for treaty settlement purposes arose when the government moved to cap the total size of the Ngai Tahu land bank.

The land bank had been set up by the former Labour government with no limit on the value of properties lodged in

it. As part of the negotiations establishing a \$39 million cap, Ngai Tahu had sought the ability to purchase property from the land bank.

The Crown's property deals with Ngai Tahu have been attacked over the last week by Labour MP Mike Moore, who claims the tribe has been flicking on former government properties for huge profits.

Land title records show Ngai Tahu has bought and sold several Crown properties on the same day, apparently generating in some cases hundreds of thousands of dollars profit. Included in the list cited by Moore is one Christchurch

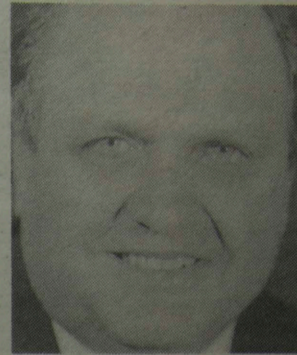
property bought by Ngai Tahu for \$540,000 and sold the same day for \$820,000, and another bought for \$2.3 million and sold the same day for \$2.5 million. Two Dunedin properties were bought and sold on the same day for profit of \$600,000.

Around 33 "land banked" properties have been sold to Ngai Tahu, according to a list released by Marshall under the Official Information Act.

Moore alleges the "same day" profits prove the Crown is underselling itself at the taxpayers expense, and says the property deals should be offset against final treaty settlement with Ngai Tahu.



Lands Minister Denis Marshall: Says there has been no rip-off.



Labour MP Mike Moore: Claims the tribe has been flicking on former government properties for huge profits.

However, Marshall says there has been no rip off, and that the provisions of the Public Works Act, under which the properties have been sold to Ngai Tahu, have been followed to the letter.

He says the deals have been done under section 42 of the Public Works Act, which provides for the Crown to sell by private treaty, rather than through public tender. Under the private treaty procedure the Crown obtains one, and possibly two, independent valuations, which fix the price at which the property is sold.

In many instances there could be a time lag of several months between when the valuations were done and the final settlement date. In the meantime Ngai Tahu was in a position to come up with development proposals that added value to the property, allowing it to on-sell at a profit.

Marshall said the Crown wasn't in a position to add that value itself, because it wasn't in the property development business.

Yaldhurst MP Margaret Austin has also attacked Moore for not doing his homework over the allegations. She says she was given the same information handed to Moore, but checked it out and found nothing irregular. It's understood both Moore and Austin were fed information on the property deals by a member of the Wigram Airfield Development

negotiations between the two parties broke down in 1994, and it appears that the bulk of the land sales stem from about that time. Negotiations resumed in June this year, and both sides have expressed hope of a settlement before the election.

Marshall says once settlement has been achieved the issue of the Crown's property sales to Ngai Tahu and the terms of those sales will "simply disappear."

He agrees that effectively Ngai Tahu has been using the leverage provided by both the land bank system and section 27B of the SOE Act, providing for a memorial to be lodged on the title of SOE land signalling it could be claimed for future treaty settlement, to make money on the property market.

"They've had a go because of the advantage that they've had with the government's policy ... it is correct to say they are able to negotiate with the Crown exclusively on the properties they identify."

A key part of the equation, too, is the recruitment by the Ngai Tahu Trust Board about 18 months ago of experienced property developer Tony Sewell to head the board's property unit. According to one local property source, Sewell's role has been crucial in allowing Ngai Tahu to package together development deals and find the right buyers for the properties.

It is largely because of Ngai Tahu's decision to launch itself head first into the property market that a huge tract of ex-Railcorp land on Christchurch's Moorhouse Ave has been transformed from an industrial wasteland into something of a retail mecca over the last two years. Rather than lock the ex-railways land in the land bank, Ngai Tahu opted to act as the developer of the properties.

In another deal Ngai Tahu acted as a conduit on a Moorhouse Ave property formerly owned by Coal Corp. The property had a section 27B memorial lodged against the title, Coal Corp wanted to sell it, and the local power company Southpower wanted to buy it as the site for a new appliance store. The deal was done with Coal Corp selling to Ngai Tahu for \$2.3 million, who on-sold to Southpower for \$2.5 million with the memorial removed from the title.

Land title records show Ngai Tahu has bought and sold several Crown properties on the same day, apparently generating in some cases hundreds of thousands of dollars profit.

Support Group, which bitterly opposes Ngai Tahu's bid to buy the former Wigram airforce base in Christchurch. (*The Independent*, 9 August).

Marshall says once properties are in the land bank they are locked away from the market and can't be bought by anyone else. By selling to Ngai Tahu those properties are opened up for further development.

He says there has been a deliberate policy on the part of the government to enable Ngai Tahu to use its own money to buy properties, given that until recently there has been "nothing doing" between Ngai Tahu and the Crown towards final settlement of the tribe's treaty claim.

Treaty settlement

Coal Corp chairman David Stock told *The Independent* this week the corporation got fair value for the property, taking into account the effect of the memorial on the title. He recalled that two or three valuations had been done before the property was sold.

The 1995 Ngai Tahu Trust Board annual report shows the outcome of the tribe's property dealing since 1994. The property division generated a round half the tribe's total gross revenue in 1995, at \$16.4 million, compared with just \$816,000 in 1994. Profit from the property division was \$2.2 million, allowing the tribe to recoup losses on other activities and return a group profit of \$1.7 million.

TO PAGE 34

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Land claim possible deterrent for bidders

Concern over Maori land claims in the Kaingaroa forests is believed to have limited the number of bidders for the Forestry Corporation.

While Maori have no claim over the trees, if they succeed with their challenge Crown forest licences for the land will be reduced to 35 years. At present the leases are spread over two 35-year agreements — 70 years.

This possible limitation, haggling over new rentals, and the prospect of protracted bickering over land claims is believed to have deterred some foreign interests from bidding for the corporation.

The recent Government decision to sell the Forestry Corporation to a Fletcher Challenge-led consortium for \$2.03 billion was based on commercial reality.

The Government netted \$1.6 billion after repaying outstanding loans of \$426 million, and underlined its philosophy that there is no place for the State in commercial risk-taking with taxpayers' money.

The new owners are Fletcher Challenge (37.5 per cent), China International Trust owned by the Chinese Government (37.5 per cent) and Brierley Investments (25 per cent).

Through buying the corporation-owned Kaingaroa forests, 26 per cent of the country's 1.47 million hectares of planted production forests now come under Fletcher Challenge Forests management (it owned 14 per cent of the trees beforehand).

Second is Carter Holt Harvey with 22 per cent, with a sharp drop to third-placed Rayonier New Zealand on 7 per cent.

However, the biggest owners of the nation's forests remain small growers, who combined hold 27 per cent.

Politically there is opposition to the deal, with an emotional cry to "save our forests" by New Zealand First, which has said that on becoming government it would buy back the resource for the price paid.

The Alliance hasn't gone as far, but does claim to have sufficient signatories to a petition to force a non-binding national referendum on the sale.

But the question is, save the Kaingaroa forests from what threat and for what?

Planting of the vast forests began as relief work programmes during the Great Depression. They were always to be cut and sold, and they are not native forests.

The land on which the trees grow is Crown land, leased for two 35-year periods, for which the Forestry Corporation paid about \$20 million a year in rent to the State.

The conditions of the leases require replanting of all trees that are cut, so the sale does not mean the land will be denuded of forest by a once-only rip-off. If these conditions are ignored the leases will be forfeit for the whole 186,000 hectares of forests.

Objections to the sale have xenophobic undertones because of the participation of the Chinese Government's trading arm, Citifor. But one of New Zealand's major growing markets for both logs and timber, and in future more sophisticated finished woods products, is China.

While there are Chinese companies trying to secure sources of supply, marketing into China remains a very difficult and risky business because of sudden foreign exchange cuts by the Government and the collapse of deals. Citifor's participation will be a hedge against the unpredictable and shore up deals, coupled with Fletcher's already established timber exports to China.

The key point is that the control of the Kaingaroa forests remains in the hands of Fletcher Challenge, which has the management contract, and the equity control stays with Fletcher and Brierley.

The Government considers it made a good deal with Forestry Corp. RON TAYLOR looks at the background to the sale.

Is the price paid for Kaingaroa too little, given that timber prices worldwide are in a slump after the peak of 1992-93?

Forestry Corp says the price was arrived at by extrapolating the value of the trees over the 35-year period of the Crown land leases.

In effect the corporation has been sold for the future worth of the trees, which are assumed to increase in value at half a per cent above the rate of inflation, plus taking into account the cost of money — 9 per cent in Forestry Corp's case.

The formula put the value of the forest at \$1.8 billion and, with processing assets, brought the book value of the corporation to \$2.03 billion, the price paid by the Fletcher-led consortium.

The Government argues that netting \$1.6 billion immediately, for the future value of the trees, is a very good price.

Much of the opposition to the deal has been generated by the fear of job losses at the Waipa mill, which has only recently managed to break even after decades of running at substantial losses met by the taxpayer.

The mill was not part of the original deal when Forestry Corp was set up in

Tasman Pulp and Paper Mill.

Forestry Corp's statement of corporate intent showed it was capable of paying the Government a dividend of about \$75 million to \$80 million a year, providing it did not invest in any further processing.

To expand would have involved borrowing, the repayments on which and depreciation would have sent costs skyrocketing. New plant would result in a drop in profitability that could last five years.

However, by selling for a net \$1.6 billion, the Government is saving over \$140 million a year in interest payments on foreign debt.

Forestry Corp was a risk venture and always exposed to the fluctuations of international pricing in a very competitive business. Apart from the New Zealand climate in which trees grow particularly fast, the corporation had no advantages. Government ownership as opposed to private ownership amounted to nothing.

New Zealand First has indicated that on becoming government it will buy back the corporation for the \$2.03 billion paid by the consortium. To do so will require borrowing at least \$2 billion, which will cost the taxpayer something like \$165 million a year in interest payments before it can start to make a profit in a high-risk international business.

The political argument against retaking Kaingaroa is that this \$165 million will be unavailable for health and education and other social needs.

What is also overlooked in the debate is that the equivalent of a Kaingaroa forest, 168,000 hectares, is planted every two years so a non-renewable resource has not been sold off. This expansion is being carried out by the private sector.

The sale to the Fletcher consortium has shifted any potential bickering over land ownership and lease rights to private enterprise. (Fletchers are experienced in this and also have Maori claims over land they already crop for trees).

As long as the Crown continues to own the land the licences remain at two 35-year terms — 70 years of rights to grow and harvest trees for the whole forest.

On the other hand if any Maori claim succeeds — and they cover only sections of the forests and therefore may interrupt harvesting or access — the licences will become limited to the life of the trees, or 35 years.

The prospect of this difficulty is known to have had some bearing on the bids for Forestry Corp. Under these circumstances the sale is seen in Government quarters as a good deal because there may be no security of tenure beyond 35 years.

Even if the corporation had continued to own the forest, the value of it would probably have depreciated every time a Maori claim succeeded. It could not be assumed that its value would continue to climb.

The sale has shifted that worry to the private sector.

It is not suggested that any prospective Maori owners would want to disrupt forestry, but doubts about a rise in land lease costs were reflected in the declarations of interest in the corporation.

There has already been speculation that Brierley, with 25 per cent, is only in the consortium for three to five years. It may be that Maori land claimants would be better off buying Brierley's quarter-share rather than haggle over the land, or alternatively if they are successful with the land claim, they extend the resource by joining the consortium via a Brierley buy-out.

A precedent for this exists in the Brierley-facilitated Maori participation in Sealord.

KEY POINTS

- If Maori land claims succeed, licences to harvest trees would become limited to 35 years.
- Sale nets Government \$1.6 billion after repaying loans of \$426 million.
- Fletcher Challenge now manages 26 per cent of production forests.
- Chinese participation not popular in some quarters.
- Loan dictates full replanting programme.
- Opposition to sale generated by fear of job losses.
- Given the power, New Zealand First would buy back the corporation.

1990 and was virtually foisted on the corporation by Treasury. If the corporation hadn't finally taken it over, the mill would have been closed because it was over-staffed and outdated.

Six years on, the Fletcher consortium has refused to give guarantees to the 450 workforce at Waipa, but is planning to invest \$16 million in improvements at the mill. It will be worked harder in the immediate future, but there is no assurance about the long term.

The mill is old, although under Forestry Corp management \$22 million was spent on new equipment and a further \$5 million spent on cleaning up chemical pollution.

Defenders of the deal say that under Fletcher management the mill should do much better in the medium term because it will become specialised within the company network. At present it cuts all grades of timber for all markets.

Forestry Corp did well over the last five years. It paid the Government \$1.25 billion by way of loan repayments for what the Crown had invested in the forests, along with dividends and tax.

It announced a record profit of \$168 million a week after it was sold to the consortium, although this profit was distorted by a one-off back-payment of \$110 million by Fletcher Challenge for logs supplied over the last five years to the

Tribe nets big profits in treaty land deals

By BARRY CLARKE

NGAI TAHU has been making big profits on property deals by buying land from the Crown under the terms of the Waitangi Tribunal and then selling it to private developers.

In one deal, the tribe bought a parcel of land in Christchurch for \$540,000 and sold it the same day to a property developer for \$820,000.

The area is now being subdivided into residential sections.

In another deal, Ngai Tahu exercised its right to buy a block of surplus Coal Corporation land in Christchurch when Southpower expressed an interest in the property.

Ngai Tahu bought the land from the Crown for \$2.3 million and then sold it to Southpower on the same day for \$2.5m — a \$200,000 profit. Both deals took place in 1994.

Ngai Tahu has claims on large tracts of land in the South Island and also has first option on buying Crown land.

But Ngai Tahu Property Group general manager Tony Sewell will not say to what extent land is being sold or where the profits from the sales go.

"It's a private matter for the Ngai Tahu family. It's a private company and the way it operates is its own business."

But some Ngai Tahu are angry at the use of a block of land acquired by the company in Christchurch.

Kura Kaupapa School wanted to use Crown land adjacent to the school for expansion but the property group intends to subdivide it into residential sections and sell them off.

The school caters for pupils from age five. It is financed by the state and is one of a number of similar schools around New Zealand where only Maori is taught.

English is not allowed to be spoken on school grounds.

Principal Kawhena Mathews said a large proportion of pupils and board of trustee members were Ngai Tahu.

He said Mr Sewell had told the school the land had been bought

solely for profit. "Ngai Tahu has told us they could relocate us to Wigram so we can expand there but they've only said that after this can of worms was opened."

Ngai Tahu is negotiating with the Crown and the Christchurch City Council to buy the former Wigram airbase.

Part of the development plan is for a possible Maori secondary school.

However, Mr Mathews said the school was quite happy where it was.

"We were quite happy to lease part of the land next to the school so if anything ever happened to the school, it would revert back to Ngai Tahu. When we put that to them, we were told the matter was closed.

"It is most disheartening for us. In this case, they have put profits before the education of our people."

But Mr Sewell said the school's anger was misplaced.

"The school is 100% owned by the state. If they want more land, why don't they go to their owners, the state. Why should Ngai Tahu have to give land to the Crown? I'm lost in their logic as to why we should give them the land," he said.

Sid Ashton, chief executive of the Ngai Tahu organisation, said a major education facility was planned for Wigram.

"There will be live-in accommodation, gymnasium, pool, that sort of thing. It will be our major thrust into education. We have suggested they could be relocated there," he said.

He also defended the decision to subdivide and said the school had enough land of its own now if it wanted to expand.

Meanwhile, controversy is building in Southland after revelations Ngai Tahu plans to take over the electricity company, the Power Company.

Mr Ashton confirmed a request from the Government for the company's assets was "top of its agenda".

Ngai Tahu argues the Power Company is a state-owned asset so that makes it available for settling Maori land grievances.

WPR 14 (10) : 6
15/2/96

competition for aid from elsewhere around the world; he condemning Solomons refusal for rejecting British and Australian help to implement sustainable logging and urged Fiji to end racial discrimination, dismissing Fiji's call for other countries not to meddle in its internal affairs.

LAND

THE POLITICS OF PACIFIC LAND & PEOPLE.

Traditional Torres Strait visiting rights of Mabaduan villagers in PNG were revoked after a riot broke out during wedding festivities on Saibai Island in December . . . Fasu landowners are threatening to close PNG's only producing oil field unless enough shares in it are transferred to a company they have established to sell oil on the spot market; further talks are to be held . . . PNG has announced a new compensation package for landowners affected by environmental damage from the Porgera Goldmine . . . Police have arrested several landowners protesting logging operations on Mono Island in Solomons' Western Province; the High Court has ordered an end to the logging in the wake of the dispute . . . NZ Treaty Negotiations Minister Doug Graham has offered direct negotiations with Far North tribes over their \$120 million claim which has been before the Waitangi Tribunal for years . . . In the wake of last year's incidents, the NZ government held the principal Waitangi Day observance in Wellington last week; at Waitangi, where police clashed with 400 Maori protesters demanding sovereignty and independence, government representative DPM Don McKinnon says the ceremonies may need to remain split until the turn of the century; meantime former Labour PM Mike Moore wants legislation which again would designate the holiday as New Zealand Day . . . A South Korean firm has reached a multi-million dollar agreement for a joint venture with a Maori tribe to harvest timber on their traditional land . . . Fiji says it will sponsor an association to help indigenous Fijians learn how to grow sugar in order to take over sugar operations as Indian land leases expire over the next few years . . . A proposal to merge the Department of Hawaiian Home Lands and the Office of Hawaiian Affairs is running into opposition; the move would need a state constitutional amendment . . . The premier of Western Australia's Liberal government says a Coalition federal government would move to extinguish native title rights as the only practical way to secure pastoral leases, an assertion counter to what John Howard has said in recent months . . . Aborigines have filed with the National Native Title Tribunal Victoria's largest claim, which includes vacant crown land in two of Victoria's largest towns, as well as several rivers, forests and parks.

11
Since 1950s

The Court was initially empowered to protect Samoan land from internal and external interests. But by the 1970s, the major threat to these interests were the Samoans themselves, often in collusion with foreign interests.

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⁴² Powles 1990:125.

⁴³ *Ibid.*

cf. 1

Morgan Tui

gpb

LAND TENURE

A. S. A. O.

Bss Taskerson: Aboriginal land - evolving tradition.

Tom Otto: Marine tenure on Manus - effects of paying for butterfly.

gpb Paula Brown: Lots of land willingly given - esp. bound between groups which was in doubt. - to get schools, post, roads etc. Now insisting on big compensation + return. Lots of litigation eg. Telecom, mission, schools etc.

Pop. growth has taken over group forest etc. + hillside + subdivided + changed from communal to individual. Rights to forest + other land becoming refined.

New "groups" tenure on e.g. Telecom reporter sites to which ^{over 500 people in} groups now demand compensation for it - irrelevant before.

PNB people fear that registration will lead to land being "taken" from them or taxed.

" Identity tied up with land? But can you alienate prop. ^{+ mobile} this high

Andrew Likaa Why registration opposed in PNB (he favours some form of registration but govt did not consult enough with people).

→ Registration takes land from tradition. Don't trust govt. Fear loss of land via mortgage or sale to PNG rich. Don't want land marketable. Fear rich will get rich + poor will be out.

NSR

Fear govt looks after themselves or foreign interests. Distrust of central govt. growing.

More Simbu live outside Soutan than inside.

Custom more flexible than registration is expected to be.

Fear within groups that leaders / negotiators will take over.

Naraina Alabuta: Tarnui Settlement.

35,000 acres returned in 1995, ^{plus some cash} out of 99,000 acres

of Crown land out of 1.2 million acres confiscated

50,000 not offered as "conservation estate" of swamps, etc.

Anton Pro: Brian Tanga Dutch land policy.

11