



18 September 2020

Hon Eugenie Sage
Minister of Conservation
Freepost Parliament
Private Bag 1888
WELLINGTON 6160

By email: e.sage@ministers.govt.nz

Tēnā koe anō i te Minita,

The Crown Proposal to Vest the Taia Bush Historic Reserve upon the Trustees of the Hokotehi Moriori Trust

1. It has come to our attention that DoC is contemplating a re-notification of a Ministerial intention to vest Taia Bush Reserve upon the Trustees of Hokotehi Moriori Trust on Saturday 26 September, with submissions closing on Friday 30 October 2020. Ironically, 26 September is the day of the Annual General Meeting for Ngāti Mutunga o Wharekauri Iwi Trust; the unfortunate DoC action is therefore sure to provoke a strong response if it proceeds. The purpose of this letter is to re-affirm the reasons why the re-notification should not proceed.
2. First, it is not clear to us whether it is accurate for DoC to describe this step as a “re-notification”. The wording of the original notification limited itself to vesting the **management** of Taia in Moriori. Recent discussions appear to contemplate the vesting of **ownership** of Taia in Moriori. In either case, vesting of **exclusive** management **or exclusive** ownership of Taia in Moriori would be contrary to our rights and expectations under Article II of the Treaty of Waitangi. It would also be an action completely irreconcilable with your statutory (and judicially reviewable) duty to interpret and administer the Conservation Act 1987 so as to give effect to the Principles of the Treaty of Waitangi.

3. To be very clear – and to repeat that which we have already recorded formally for the Crown on several occasions – mana whenua over the entirety of Wharekauri/Rēkohu is held by Ngāti Mutunga o Wharekauri. Mana whenua is a particular aspect of the rangatiratanga of Ngāti Mutunga o Wharekauri secured and guaranteed over Wharekauri (including all of Taia). As such, it is a particular cultural interest that, in our view, you are, as a matter of statute, obliged to recognize and protect.
4. Moriori do not hold mana whenua over Wharekauri/Rēkohu or Taia. Ngāti Mutunga o Wharekauri acknowledge that Moriori of course do have interests in and on Wharekauri/Rēkohu. I refer again to the extensive information we have already provided on this subject. It amounts to no more than the universally understood facts of Chathams' history. I also re-state the only two options available for you to exercise your Treaty responsibilities fairly to both iwi and imi. These are:
 - i. To retain Crown ownership of Taia and to develop a management plan for Taia that involves both iwi and imi and that accommodates the maintenance of a proper Treaty relationship between the Crown and both iwi and imi according to their respective rights under the Treaty of Waitangi. Or;
 - ii. The alternative – that is vesting - should be to **both** iwi and imi **equally** to encourage the same outcome and inter-party relationships as would have been achieved if Taia remained in Crown ownership.
5. It is disturbing that neither of these options is being pursued but rather a deeply flawed exclusive vesting process is being advanced. This process has been defective from the beginning. We have provided you with the evidence; and can do so again. These defects are now undeniable. It is incomprehensible to us how that process can be simply 're-notified' after more than sixteen years.
6. Please accept this letter as formal notice, supplementing our earlier unequivocal expressions of objection to the Crown Taia vesting proposal, that Ngāti Mutunga o Wharekauri objects to any notification or re-notification to vest Taia and regards the act of notification itself as in breach of the obligations that you have to us under section 4 of the Conservation Act.

7. The time is overdue for the Department of Conservation to develop and implement a new stance towards the rights and interests of its two Treaty partner iwi/imi on Wharekauri. This will entail a much more even-handed approach than we are experiencing which respects Ngāti Mutunga o Wharekauri interests - not just those of Moriori. We re-affirm our full commitment to any such relationship renewal. The first step in this process is to cease accumulating fresh and serious Treaty grievances that the proposed vesting process unavoidably creates.
8. Please may we meet you urgently. We are available at short notice. It is essential we believe to meet with you before the General Election on 18 October next.

Nāku noā, nā,



Deena Whaitiri
Chair
Ngāti Mutunga o Wharekauri Iwi Trust