

## NGA TAKE TAI AO – summary

This large subject could only be partially covered in the time available. The issue is about how the Crown has actively protected, respected and provided for **the tino rangatiratanga of Whakatohea hapu for environmental taonga**. In general terms this has been not at all – the Crown has given itself regulatory responsibilities for the natural world that it has exclusively managed, without consultation or co-management with Whakatohea hapu. This has only changed slightly since the late 1980s, with the Conservation Act 1987, the Resource Management Act 1991 and the Fisheries Act 1996 requiring that the Crown engage with hapu. Implementation of these statutes has been within people's lifetimes, so they have personal knowledge of whether they are effective in satisfying the Crown's Article 2 obligations. The research concentrated on the 1840-1980s period.

Whakatohea hapu were in control of their own destiny up to 1865. A trading economy flourished. Raupatu destroyed this economy and broke the link between hapu and the land. All the coastal lowlands (except Opape reserve) were confiscated, and then land purchase in the hills (Oamaru, Tahora 2B and Whakapaupakihi blocks) in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries completed the dispossession of the land from hapu. The Crown used the lands it had acquired to settle Europeans on family farms. Farm development resulted in **destruction of native forests**. In the hills this forest destruction was environmentally damaging, as the cleared land was not fertile enough for sustained farming, sediment eroded into river channels, runoff increased and higher peak flows in the rivers caused flooding. Settlers in the hills forfeited their farms and the land the Crown re-acquired now forms the backbone of the DOC conservation estate. Today's DOC estate land titles pattern (of reserves, stewardship lands and conservation lands) reflects the state of the titles as at 1987, when the pattern was still evolving. Whakatohea hapu were excluded from involvement in decision-making about title changes pre-1987 and during 1987, and from the decisions not to change the pattern since 1987.

The character of the **waterways, and the fish life** that the waterways support, has been changed dramatically. Rivers became regarded as drainage channels confined by stopbanks to prevent flooding of adjacent land (including Opotiki town), rather than being treated as multi-dimensional ecological environments. Dominated by an engineering agenda set by the Ministry of Works, the Crown dealt almost exclusively with local government and failed to consult with hapu. European concepts of the use of waterways to dilute and remove pollution saw sewage effluent from Opotiki town discharged into the Waioweka estuary, and a rubbish dump established alongside the estuary.

**Ohiwa Harbour** has been subject to Crown legislation (the Harbours Act) since 1878, with approval of wharf sites, appointment of a Harbour Board, and delegations of responsibility to local government for foreshores and regulation of boating activity. Whakatohea hapu were not involved in management prior to the beginning of the 21<sup>st</sup> century, though the local County Council did speak up in favour of continued Maori fishing and shellfish gathering. When Maori did try to become involved, sending a petition to Parliament in 1944 seeking the reservation of shellfish beds, they were fobbed off by Crown officials who prioritised the needs of European commercial fishers first and European recreational fishers second, ahead of the needs of Maori sustenance fishers.

Other aspects covered briefly in the report are **indigenous taonga species** (such as pigeons, muttonbirds and whales), **introduced species** (such as pigs, deer, possums and willows), and provision made by the Crown for **taonga places** such as burial sites.

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