

30 June 2022

Pirimia Rt Hon Jacinda Ardern

VIA EMAIL: Jacinda.Ardern@parliament.govt.nz

Cc:

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Tēnā koe e te Pirimia Jacinda,

I acknowledge your letter signed and dated 23 June 2022, received 27 June 2022.

Your signed letter makes clear to me that you have done no research and are reliant solely on misinformation from your Ministry officials. This hardens my resolve that the title Manatū Taonga, gifted to your Ministry by Māori, be taken back as a lesson to all Crown agencies who behave like this.

Obviously, your officials did not translate my following words to you:

“Whaakorongia te hōhonu ō tenei take ki ngā tari katoa ō te Kāwanatanga nei.”

Let me be clear, there are many outstanding matters that your Ministry have refused to respond to in relation to their proposed “facilitation” process.

But first I want to address the report of the Ombudsman. You have taken a very narrow snapshot that suits your narrative but conveniently ignores the balance of his wisdom.

Of particular concern to me, and to all Māori, is the failure of your Ministry (and by extension you) to properly engage with the 19 iwi who make up the mana whenua of Tāmaki Makaurau.

The Chief Ombudsman points out the following:

1. *I have found that the lack of consultation by the Ministry for Culture and Heritage/Manatū Taonga (the Ministry) before forming a preference in August 2018 for Dove-Myer Robinson Park/Taurarua as the site for the National Erebus Memorial **was unreasonable**. Specifically, my view is that the Ministry should have consulted the wider local community **and all Tāmaki Makaurau iwi comprising the mana whenua before forming a preference for any site in Auckland**.*

He later states:

32. *I find the lack of any contact with mana whenua interests prior to forming a preference particularly surprising given the **obligations of consultation with indigenous peoples recognised at an international level and the Crown’s partnership obligations under Te Tiriti/Treaty of Waitangi**. Quite apart from whether it can be said that a legal obligation to consult mana whenua exists, my view is that before forming a preference for a site there should have been engagement with all mana whenua who had an interest in possible sites as a matter of good administration. **That failure to do so here appears to me to be unreasonable**.*
33. *I consider that consultation could have occurred by way of individual approaches to iwi within whose rohe potential sites had been identified. **This was not done**.*

Despite raising concerns on several occasions regarding this breach of Te Tiriti o Waitangi, your Ministry has refused to acknowledge these or provide any indication of how they intend to rectify this with mana whenua. In your letter you have also deliberately ignored this breach. To date the 19 iwi that make up the mana whenua of Tāmaki Makaurau have not been engaged in any “facilitation” process. Māori will not be brushed aside by the Crown in this way in 2022.

So you are fully informed, to date your Ministry has:

- Refused to undertake a proper mediation process.
- Refused to advise who the parties are they believe should participate in their proposed “facilitation” process.
- Deliberately used misleading and confusing terms to explain the process differently to different audiences.
- Refused to provide information relevant to the proposed process.
- Refused to include all Erebus whanau in any facilitated process, limiting information provided to the families and carefully managing the messaging to serve their narrative.
- Refused to allow time for other directly related matters to be properly concluded (The Ombudsman’s investigation into Auckland Council and information requested under OIA in relation to the Ministry’s proposed process).
- Adopted a self-serving and very narrow view of the Ombudsman’s report.
- Purported to appoint a mediator without consultation or input from other parties. Perhaps you could have your officials explain how a facilitator/mediator can be appointed unilaterally by one party. This immediately creates an imbalance of power and sets the process on a pre-determined path.

- Relied solely on Ngāti Whātua Ōrākei Trust Board, notwithstanding that they were advised in writing in December 2020 that all matters in relation to the whenua and Te Hā needed to be dealt with by Te Rūnanga a Iwi o Ngāti Whātua of which I am Chair.
- Breached Te Tiriti o Waitangi.
- Breached a rāhui three times.
- Deliberately and repeatedly ignored our concerns regarding both the rāhui breaches and the breach of Te Tiriti o Waitangi.

We have advised your Ministry that it is not reasonable for them to expect us to engage in any process until these matters are resolved. The Ombudsman is aware of our approach and our concerns.

When as Pirimia you ask that we act constructively and engage to resolve matters, I reiterate, we have done so since the outset. We have been clear. We have been consistent. We have repeatedly proposed solutions that protect the mana of all parties.

- You will recall it was us who proposed mediation 15 months ago. Your Ministry refused to engage.
- We requested your Ministry undertake a proper independent review of their process. Your Ministry refused.
- We engaged the Ombudsman. Your Ministry responded with force, breaching a rāhui and attempting to proceed on site none the less.
- When the Ombudsman found your process to be deficient and unreasonable and in breach of Te Tiriti o Waitangi, your Ministry responded defiantly and announced the memorial “should and could” proceed.
- We have repeatedly requested the fences be removed because they offend mana whenua and are impeding a good faith process. Your Ministry responds to this reasonable request by increasing the fencing on site and again breaching the rāhui.

With respect Pirimia it is not us that needs to engage constructively.

The Ministry (and now your office) are fully aware that the rāhui on the whenua is sanctioned by the Ngāti Whātua Ōrākei taumata, kaumatua and kuia and that it is fully endorsed by Kīngi Tūheitia and the Kīngitanga. Regardless, the rāhui has been breached now on 3 separate occasions by the Crown and the breach remains in place. The fencing (which is offensive and represents the colonial imposition of the Crown on the whenua and highlights the breaches we have outlined) must be removed before there can be any positive engagement.

It is not for you to agree or disagree with me as to what is appropriate for Te Ao Māori or Tikanga. That is for Māori to determine and for the Crown to accept. I am the Tupuna Rākau and the Tupuna Rākau is me. I am telling you what is appropriate from a Te Ao Māori perspective and your Ministry’s actions are NOT appropriate for Te Ao Māori or Tikanga. The Tupuna Rākau is not yours to protect. His mana and mauri are destroyed by even the idea of concrete and steel. You and your Ministry cannot claim to protect Te Hā if you so clearly don’t understand the impact of your intent.

Given the ignorance and inappropriate actions of your Ministry they simply can no longer hold the title of Manatū Taonga.

Your words at Waitangi “hold me to account” are shallow and have no meaning in this context. Here I am doing what you asked, and yet you are complicit in the deceit of your Ministry.

I will now give you my word, there is no way any intent let alone actual concrete and steel will be permitted to cause harm in any shape or form to this Tupuna Rākau. The 25,000 who signed the petition, along with the Iwi Chairs Forum, will write to the United Nations outlining your breach of the treaty of Waitangi and the rāhui and they, with me, will hold you and your Ministry to account on the global stage.

You underestimate the anger and grievance your Ministry’s actions have caused, and by providing your support to them, you are bound by what comes next.

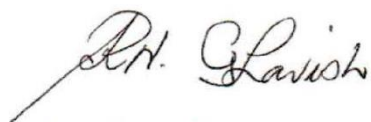
“If you see something wrong in front of you, you are duty bound to correct it. If you do not, you will become like it.” I will not become like you.

As the head of Manatū Taonga for National Memorials and as Prime Minister, you think you have a right to breach a rāhui and breach the Treaty? You cannot hide a Treaty breach, against 19 iwi that make up the mana whenua of Tamaki Makaurau, behind the skirts of the NWO Trust Board. Let me make it clear, I will match my responsibility to your perceived right.

The only thing we agree on is that it is important for all parties to work together to reach a positive outcome, which is why your Ministry’s continued attempts to bully us into a process that is undefined, premature and ignores Māori interests will not be tolerated.

In order to move matters forward Kīngi Tūheitia and I require a meeting to be arranged kanohi ki te kanohi, Rangatira to Rangatira that we might finally resolve this mess of your Ministry’s making. They say your worst experience becomes your best teacher, let’s hope your Ministry finally learn the lessons they have been gifted over the past 3 years.

Mānawatia a Matariki e tu Pohutukawa.



Dame Rangimarie Naida Glavish DNZM, JP
Chair, Te Rūnanga a Iwi o Ngāti Whātua
Co-Chair Pou Tangata Iwi Chairs Forum
Chief Advisor-Tikanga Auckland/Waitemata DHBs