

Arotake whāiti o te kaupapa here arowhānui
tiakanga taiao, o te kaupapa here arowhānui
hoki mō ngā whenua rāhui ā-motu e pā ana
ki Te Tiriti o Waitangi

Te pūrongo a te Options Development Group



Ngā arotake whāiti o te Kaupapa Here Arowhānui Tiakanga Taiao me te Kaupapa Here Arowhānui mō ngā Whenua Rāhui ā-Motu e pā ana ki Te Tiriti o Waitangi

Nā te Options Development Group
He mea whakaputa nā Te Papa Atawhai

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Āperira 2022

Ētita me te hoahoa:
Te Rōpū Ratonga Auaha, Te Papa Atawhai



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Te poroporoaki i a Mana Manuera Cracknell

He tohu aroha, he tohu mamae.

He tohu ki a koe kua hinga.

Ko ngā kēkēao e tāiri ana ki runga o Rēkohu, hei parekawakawa i tō Imi.

Mā mātau ngā waihotanga iho e tangi, hei kākahu roimata mōu.

Tau atu ēnei taonga whakamirimiri ki runga tonu o Māhia

Hao atu koe ki te kupenga a Taramainuku, kia iere ana i te Mangōroa ā tōna wā.

E te rangatira, moe mai rā! Kua oti te wā ki a koe, engari, ka haere tonu wāu nā mahi!

Haere, haere, haere atu rā!

Tēnei te Options Development Group (ODG) te whakatapu nei i te pūrongo nei mō tō mātau hoa, tō mātau hoamahi, mō Mana Manuera Cracknell i riro rā i muri tata mai i te otinga o te kaupapa. I riro atu a Mana i runga o Rēkohu, te arohaina nuitia rā e ia, i te 16 o Kohitātea 2022, ka whakahokia ki Te Māhia takoto ai. Tēnei te tuku i te aroha nui ki tōna whānau, ki ōna hoa.

He tohunga a Mana o te kupu whakarite, he ako tāna kai, he whakaako tāna kai. He ngāwari tāna arataki i ngā mahi a te ODG – he rite tonu te tuku i tētehi kupu tātākī, tētehi kōrero paki, tētehi whakataukī rānei, he tātaritanga o tōna mōhio nui ki ngā ahurea huhua me ā rātou kōrero, hei taunaki i tōna whakaaro. E tū ana ngā tūtohunga me ngā kōwhiringa e takoto ana i roto i te pūrongo nei i runga i te whakaaro nui o roto i āna kupu whakahirahira.

I te wā i noho tahi ai mātau o ODG, i rongu hoki a Mana i roto i tōna ngākau kāore pea e roa tāna haere i te Wao Nui a Tāne, ā, i āta whakamārama mai ia i te titikaha o tōna ngākau ki te whakatutuki i tēnei mahi hei koha nui, hei koha whakamutunga māna ki Aotearoa. Kei raro nei tētehi wāhi o tētehi īmēra i tukuna e Mana ki te ODG i te Tihema 2021.

E tahuri ana ngā whakaaro ki tō mātau manawa ū ahakoa ngā wero e takoto mai ana, me te marohi anō kia rite tonu te arotakea o ngā kokenga i te taha o ā te pūrongo tūtohunga, ā, he taurira tēnei o te āhua o tāna haere i te Wao a Tāne, me tāna rourou nui ki te tuhinga nei.

*Ahakoa te iti me te nui, te pai me te kino, te māmā me te taumaha, te tere me te pōturi,
te whakarongo me te taringa mārō.*

I kōwhiri te ODG i te pepe tuna (e whakaahuatia nei i te uHINGA o tēnei Pūrongo) hei tohu ārai mōna, hei tītohu, hei arataki i āna mahi. E ai ki ngā kaumātua, te putanga mai o te pepe tuna, kua toro mai ngā atua, ngā tīpuna ki te tautoko, ki te āwhina ki te pīkau i ngā mahi. Kāore te pepe tuna e kai, ā, e rua rā noa iho te roa o tōna oranga, heoi i aua rā kei tōna 2,000 tōhua ka whakawhānautia e ia. He mea hanga mō te take e hiahiatia nei, ā, koia te tino taurira o te kōrero “pāpaku korokoro, hōhonu uaua”, o te whakatutukinga kaupapa.

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Kupu whakataki

“Ka whakamāramatia, ka whakatinanatia te Ture nei e mana ai ngā mātāpono o Te Tiriti o Waitangi.”

Wāhanga 4, Conservation Act 1987

E pā atu ana te Pūrongo nei ki te mahi a te rōpū tūhāhā nei, a Options Development Group (ODG), i whakatūria rā i te Oketopa 2020 hei arotake i ētahi āhuatanga o te Kaupapa Here Arowhānui mō te Tiakanga Taiao, me te Kaupapa Here Arowhānui mō ngā Whenua Rāhui ā-Motu (National Parks), (ngā Kaupapa Here Arowhānui). Ko te pūtake matua o ngā arotake whāiti nei he whakaū i ngā whakapaitanga o ngā Kaupapa Here Arowhānui o te wā nei, hei āwhina i Te Papa Atawhai (DOC) ki te whakatinana i ngā mātāpono o Te Tiriti o Waitangi (Te Tiriti¹) e ai ki te wāhanga 4 o te Conservation Act 1987 (te Conservation Act).

E tino āwangawanga ana te ODG i te roa rawa o te hē o te whakamanatanga o ngā kupu mārōrō, o ngā kupu tohutohu o te wāhanga 4 o te Conservation Act 1987.

I roto i tāna whakatau i te tau 2018, arā, ko *Ngāi Tai ki Tāmaki Tribal Trust* ki te Minister of Conservation², ka āta whakamārama Te Kōti Matua kāore e wetekina te herenga o DOC ki te whakamana i ngā mātāpono o Te Tiriti e ai ki te wāhanga 4, e ētahi atu whakahau ā-ture e takoto mai ana i roto i ngā Conservation Act, pērā anō i te tauākī a ngā Kaupapa Here Arowhānui o taua wā. Engari kē ia, me tutuki ētahi atu whāinga ā-ture (whāinga ō-waho ture hoki) e whakamanatia tonutia ai ngā mātāpono o Te Tiriti.³

Ahakoia te kakama o te unuhanga o ngā kupu nukarau nei i ngā Kaupapa Here Arowhānui i muri mai i te whakataunga o *Ngāi Tai ki Tāmaki*,⁴ he whakamāharahara tonu te nōhanga mātāmua mai o ngā herenga o DOC, i runga i te roa o te wā e whakamāramatia hētia ai Te Tiriti i roto i ngā tuhinga kaupapa here taketake nei. Ko ngā tuhinga ēnei e arataki nei, ā, i ētahi wā e tohutohu nei i te whakahaerenga, te whakataunga take hoki i runga i ngā whenua e tiakina ana e Te Papa Atawhai.⁵ Heoi anō, he taunga māramatanga kē tā mātou arotake o ngā Kaupapa Here Arowhānui (me te reo me ngā whakaaro kei roto e takoto ana), tae atu ki ngā kōrero mō te arotake i hoki mai ki a mātou i roto i ā mātou huinga ki ngā iwi me ngā hapū huri noa i te motu.

1 E whakamahia ana Te Tiriti o Waitangi, Te Tiriti rānei i te roanga ake o te Pūrongo nei, kua ko te Treaty of Waitangi, te Treaty rānei (hāunga te takinga o tētahi puna rāwaho e whakamahia ana i aua kupu). Māna e āta whākina ana, he kōrero tēnei mō ngā tuhinga reo Ingarihi, reo Māori hoki o Te Tiriti e takoto mai ana i roto o te Āpitiwhanga 1 o te Treaty of Waitangi Act 1975.

2 *Ngāi Tai ki Tāmaki Tribal Trust ki te Minita Tiakanga Taiao* [2018] NZSC 122, [2019] 1 NZLR 368.

3 *Ngāi Tai ki Tāmaki Tribal Trust ki te Minita Tiakanga Taiao* [2018] NZSC 122, [2019] 1 NZLR 368, kei ngā kōwawe [57], [76] – [77].

4 I te Ākuhata 2019, i muri mai i te whakataunga *Ngāi Tai ki Tāmaki* a te Kōti Matua, ka whakaaetia tahitia e te NZCA me te Minita tētahi menemana hangarau hei muku i te hapa nei i te tuhinga o te Ūpoko 2 o tēnā me tēnā o ngā Kaupapa Here Arowhānui.

5 I te tau 2005, ka whakaputaina tuatahitia tēnā me tēnā o ngā Kaupapa Here Arowhānui, me taua tohutohu hē hoki.

Ahakoia ngā oati o Te Tiriti, e whakaaro ana mātou kua whakakōhatutia e ngā Kaupapa Here Arowhānui tētahi tirohanga Karauna kē o ngā mātāpono o Te Tiriti, o te whakamahinga hoki. Ahakoia nā te pokerehū, nā te hiahia rānei i pēnei ai, he mea hanga, he mea whakapuaki hoki ngā Kaupapa Here Arowhānui kia kaha tonu te huringa o te tuarā ki te nōhanga kōtui, ki te whakawhāiti hoki i te wāhi ki te tangata whenua hoki, arā ko te hoa Tiriti ka huri hei kaiwhaipānga i roto i te tautohunga, i te mahinga hoki o ngā mahi tiaki taiao i roto o Aotearoa.

I te wā nei, ko ngā mātāpono e whakapuakina ana i roto i ngā Kaupapa Here Arowhānui ko ēra i whakaaetia rā, i whakamanatia rā e te Karauna i te tau 1989, ā, e kīia ana ko ngā mātāpono nei, arā te kāwanatanga, te tino rangatiratanga, te tauritenga, te mahinga tahitanga e pai ana, me te puretumu. Kāore he kōrero mō ngā whakaaro o te Karauna hoa Tiriti, mō ngā kitenga hoki a Te Rōpū Whakamana i Te Tiriti o Waitangi, a ngā Kōti rānei e pā ana ki te whakamāramatanga, te whakamahinga hoki o Te Tiriti me ōna mātāpono. E hāngai ana te whakamāramatanga whāiti nei ki ngā ritenga o ngā kaupapa here i raro i ngā Kaupapa Here Arowhānui (ā, i wāhi kē atu hoki, ki ō mātou whakaaro), e whakaarohia ai e noho taina ana te rangatiratanga ki te kāwanatanga. Me te aha ka whakatūria he pou tarāwaho e noho ai ko te Karauna me āna huruhuru waewae hei kaiwhakatauri i ngā mea pai mō te tiakanga taiao, ā, ko wai mā e wātea ana ki te piri tonu ki ngā whenua tiaki taiao, ki te whakamahi rānei i ngā pānga o roto.

Kāore mātou e whakapono koinei te mahi e whakahautia ana e tētahi whakamāramatanga mauriora, tētahi whakatinanatanga mauriora o te wāhanga 4 o te Conservation Act.

E whakaaro ana te ODG ka mana i te wāhanga 4 ko tētahi nōhanga kōtui whitake i waenga i te Karauna me te tangata whenua, e haumaruru ai ā tātou taonga tuku iho; taonga taiao mai, taonga hītori mai. Waihoki e takea mai ana taua nōhanga kōtui i ngā oati o Te Tiriti, i tō tātou aroha me ā tātou haepapa ki te taiao, i tō tātou hiahia tahi anō hoki ki te whakamāui, ki te whakahaumanu i te taiao mō ā tātou tamariki, mokopuna, me te hunga e whai atu ana. Ki ō mātou whakaaro, kua kore te pūnaha tiakanga taiao o nāiane i whakatutuki i ngā putanga kanorautanga koiiora, ngā putanga tiaki taiao hoki ki te whānuitanga, ki te hōhonutanga e tika ana, ā, kua kore e mana tētahi nōhanga kōtui tūturu, nōhanga kōtui whitake ki te tangata whenua i raro i Te Tiriti e mihia ai, e tauawhitia ai, e whakatairangatia ai ko ngā tikanga, ngā pānga me ngā haepapa a te tangata whenua ki te whenua, ki te wai, ngā momo koiiora me ētahi atu taonga i runga i ngā whenua tiaki taiao.

Ka tata tonu ki te 35 tau mai anō i te whakamanatanga o te Conservation Act, ā, ka marohi mātou ko nāiane te wā ki te whakawhānui atu i te kōrero mō te āhua o te tiakanga taiao ki a tātou, ki Aotearoa, he motu i te Moana-a-Kiwa i te rautau 21. E kore tēnei e ea mā te menemana i ētahi wāhanga o ngā Kaupapa Here Arowhānui onāiane hei whakaū i te whakaahuatanga o te takohanga ā-ture kia mana ai ngā mātāpono o Te Tiriti. E kore e ea i te kupu kau. Engari kē, e whakaaro ana mātou e hiahiatia kētia ana ko te panonitanga whakaumu, ko te panonitanga o te rōpū katoa.

Ki ō mātou whakaaro, me āta whakaaro anō ko te pūnaha tiaki taiao katoa tokitoki, tae atu ki te anga whakature nui tonu e whakatau nei i te āhua o te tautuhinga, o te kāwanatanga, o te whakahaerenga me te whakatinanatanga o te kaupapa tiaki taiao i Aotearoa nei. Mā taua momo panonitanga anake, mā taua taumata anake o te panonitanga e mana ai, e whakatinanatia ai tētahi huarahi tiakanga taiao e whai wāhi atu ai te iti me te rahi, e noho ai ki tōna pokapū ko te tangata whenua me ngā hapori.

Nā reira kua oti i a mātou ētahi tūtohunga, he mahi mō te wā nei ētahi, he mahi mō nāia tonu nei ētahi, i roto i te kawenga o te pūnaha i te wā nei, tae atu ki ētahi whakahouanga nui tonu, ā, ki te oti i roto i ngā tau e rima e tū mai nei, ko te painga atu. Ka tautuhi ā mātou tūtohunga i ngā mea e hiahiatia ana kia hua ai tētahi pūnaha tiaki taiao, me ōna ture tautoko, i roto o Aotearoa e mana ai tētahi nōhanga kōtui motuhenga ki te tangata whenua e mihi ai, e mana ai te whakatinanatanga o te rangatiratanga me te kaitiakitanga hei ora mō te taiao.

He huhua ngā tirohanga, ngā wheakoranga me ngā tohungatanga i utaina e ngā mema o te ODG ki runga i te waka. I oti ai ā mātou tūtohunga, i mahi tahi mātou, i oti ngā whakataunga i runga i te whakaaetanga o te katoa. I whakamātau mātou i tētahi rārangi whānui o ngā kaupapa, o ngā hātepe hoki i te motu nei, i te ao whānui hoki. I whakatairanga mātou i ngā mahi papai e pā ana ki te whakamanatanga o te wāhi whakahirahira o te tangata whenua ki te tiakanga taiao. Tēnei mātou te mihi nei ki te Minita o mua o te Tiakanga Taiao, ki a Hōnore Eugenie Sage; ki Te Pou Atawhai Taiao o Aotearoa mō tāna whakatau ki te whakahaere arotake whāiti; ā, ki te Tumuaki Ahurei o Te Papa Atawhai, ki a Lou Sanson, mōna i whakatū i te ODG hei kawē i taua mahi. Tēnei te mihi, te whakamānawa i te hunga nāna nei i tautoko te Pūrongo nei, tae atu ki te hunga i whai wāhi ki ngā wānanga toronga, i homai kōrero e pā ana ki ā mātou tūtohunga hukihuki, ki Kāhui Legal, ki ngā Kaimahi a DOC Te Pae Whakaterere me ētahi atu nāna nei mātou i tautoko i roto i ā mātou mahi.

Heoi anō ka taka ki te Minita Tiaki Taiao o te wā nei, ki a Hōnore Kiritapu Allan – me te mihi anō ki a ia e tautoko mai rā i ā mātou mahi – ki Te Pou Atawhai Taiao o Aotearoa, ki te Tumuaki Ahurei hou hoki, ki a Penny Nelson, hei āta whakaaroaro i ngā tūtohunga i roto i tā mātou Pūrongo, hei whakarite i te ara whakamua mō tēnei mahi, mō te tiakanga taiao i Aotearoa.

Me he pepe tuna anō, he poto te oranga o te ODG, ā, he whakahirahira tā mātou mahi, engari ko te tūmanako ia ka ruia, ka onohia e te Pūrongo nei ngā kākano whakaihiihi e hiahiatia ana mō te anamata o te tiakanga taiao i Aotearoa.

Mauriora

Options Development Group

Hakihea 2021

Whakarāpopoto

He mea whakatū te ODG i te Ōketopa 2020, ā, ko ōna mema he māngai o te tangata whenua, o ngā Conservation Boards hoki, ā, tokotoru ngā kaimahi a DOC i piri mai i runga i te tohungatanga. Ko te mahi nunui a te ODG ko te whakamātau i tō DOC takohanga kia mana ai i a ia ngā mātāpono o Te Tiriti (i raro i te wāhanga 4 o te Conservation Act), e whakamāramatia rā i roto i ngā Kaupapa Here Arowhānui, ā, ki te tūtohu hoki i ētahi menemana. I tonoa hoki mātou kia tautuhi i ētahi here ā-ture, here ā-kaupapa here rānei e pā ana ki te āhua o tā DOC, o tā ētahi atu hoki, whakatutuki i ngā haepapa Tiriti ki te horopaki o te tiakanga taiao, tae atu ki te rongoātanga o aua take.

He mea whakatū te ODG, he mea whakarite hoki āna tikanga whakahere (te takoto mai rā i roto i te **Āpitiwhanga 1** o te Pūrongo nei) nā te whakatau *Ngāi Tai ki Tāmaki* a Te Kōti Matua i te tau 2018 – kātahi tonu ngā kōti tiketike ka whakaaroaro i ō DOC takohanga i raro i te wāhanga 4 o te Conservation Act i roto i ngā tau e 20 kua hipa, nuku atu.⁶

I roto i te horopaki o ngā Kaupapa Here Arowhānui, ka whakatau Te Kōti Matua kāore te takohanga o raro i te wāhanga 4 e turakina e ētahi atu take hāngai o roto i ngā Conservation Act (pērā i te tauākī a ngā Kaupapa Here Arowhānui o taua wā⁷), ā, ehara hoki i tētahi mahi whakatauriterite i ētahi atu take e hāngai ana. Engari kē ia me tutuki rawa ētahi atu whāinga ā-ture, whāinga ō-waho ture rānei, o ngā Conservation Act “ki te taumata e taea tonutia ana i raro i te wāhanga 4, e mana ai ngā mātāpono o te Tiriti e tika ana.”⁸

Nā runga i te mea kāore ngā takohanga i roto o te wāhanga 4 e pā i raro i te maru o te Conservation Act anake, engari ki ētahi atu ture katoa e here nei i a DOC pēnei me te National Parks Act 1980 me te Wildlife Act 1953,⁹ arā, me torotoro rawa, me pā kaha rawa, me whakahau hoki te pūnaha tiaki taiao whānui tonu i raro anō i te whakahau kia mana anō ngā mātāpono o Te Tiriti.

6 *Ngāi Tai ki Tāmaki Tribal Trust ki te Minita Tiakanga Taiao* [2018] NZSC 122, [2019] 1 NZLR 368.

7 I mua i te whakataunga *Ngāi Tai ki Tāmaki* a te Kōti Matua, i whai wāhi te taukī e whai nei ki te Ūpoko 2 o tēnā me tēnā o ngā Kaupapa Here Arowhānui:

Me whakamārama, me whakahaere hoki te Conservation Act 1987, me ētahi atu Ture katoa e rārangi mai ana i tōna Āpitiwhanga Tuatahi, kia mana ai ngā Mātāpono o te Tiriti o Waitangi (wāhanga 4, Conservation Act 1987). Heoi, i ngā wāhi e mārāma ai te taupatupatu o ētahi ritenga o ētahi o aua Ture me ngā mātāpono o te Tiriti, ka mau ko ngā ritenga o te Ture e hāngai ana.”

I te Ākuhata 2019, i muri mai i te whakataunga *Ngāi Tai ki Tāmaki*, ka whakaaetia tahitia e te NZCA me te Minita tētahi menemana hangarau hei muku i te rerenga kōrero tuarua, te rerenga hē, o te tuhinga i runga nei i tēnā me tēnā o ngā Kaupapa Here Arowhānui.

8 *Ngāi Tai ki Tāmaki Tribal Trust ki te Minita Tiakanga Taiao* [2018] NZSC 122, [2019] 1 NZLR 368, kei ngā kōwae [53]-[55], [77].

9 Te whakamanatia e te Kōti Pīra i roto o *Ngāi Tai ki Tāmaki Tribal Trust ki te Tumuaki Ahurei Tiakanga Taiao* [1995] 3 NZLR 533, e pā ana ki ngā whakataunga i raro i te Marine Mammals Protection Act 1978. E 23 atu nga ture e whakahaeretia ana e DOC (e takoto mai ana i roto i te Āpitiwhanga 1 o te Conservation Act 1987), e mau tonu ngei ngā herenga i raro i te wāhanga 4.

Ko ētahi atu pūtake o te wāhi ki te ODG ko ēnei:

- Ko te hiahia ki te whakahou i te āhua o ā tātou mahi tiaki taiao kia pai ake ai ngā putanga rerenga rauropi;¹⁰
- Ko te rautaki a te 'Kāwanatanga katoa' hei tātari i ngā take, i ngā tūtohunga hoki i whakaarangia i roto i te Pūrongo Wai 262 a Te Rōpū Whakamana i Te Tiriti o Waitangi (Flora and Fauna), arā Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity (Ko Aotearoa Tēnei);¹¹ ā,
- Ko te arotaunga arowhānui tonu a te Kāwanatanga kia kaha atu te piringa ki ngā iwi Māori.

Tēnei mātou ko te ODG, ka koa hoki kia whai wāhi ki te kawē i te mahi nunui nei, he mahi e pā atu ana ki te puku tonu o te whakahouanga o te āhua o tēnei mea, te tiakanga taiao i Aotearoa. Ko te nōhanga kōtui o te tangata whenua me ngā whenua tiaki taiao he hōhonu, he roroa, he pou tītoko hoki o te oranga ā-ahurea, ā-wairua, ā-hapori, ā-ōhanga hoki o te tangata whenua.

Ka āta tirohia haeretia ngā Kaupapa Here Arowhānui, ka māraakerake te kitea e te ODG, ka kore e oti i ētahi menemana o ngā Kaupapa Here Arowhānui ngā mātāpoto o Te Tiriti te whakamana, ahakoa he rārangi Tiriti tino kaha rawa te wāhanga 4. E motuhenga noa ai te mana o ngā mātāpono o Te Tiriti, me toro atu ngā kawekawe o aua mātāpono ki ngā kokoru katoa o te pūnaha tiaki taiao nui tonu.

Me te aha kua oti i te ODG ētahi tūtohunga mō te wā nei e taea ana te whakatinana i nāia tonu nei, me ētahi tūtohunga e whiriwhiri ana i te whakahouanga tūturu hei whakatinana iho i roto i ngā tau e rima e tū mai nei. Ka aro akengā tūtohunga mō te wā nei ki te whakahouanga o ngā Kaupapa Here Arowhānui, ki ngā panonitanga o te whakatinanatanga o te tiakanga taiao (tae atu ki ērā e hua mai ana i te whakahouanga o ngā Kaupapa Here Arowhānui), ā, ki te whanaketanga o ngā āheinga, o te raukaha hoki o DOC me te tangata whenua, kia mana ai Te Tiriti i roto i te pūnaha tiaki taiao. Te taha ki ngā tūtohunga whakahouanga tūturu, me panoni rawa ngā pūnaha whakature, ngā pūnaha hinonga hoki, ā, me whai rauemi hoki hei whakatutuki i aua panonitanga.

Kua whakarōpūngia ā te ODG tūtohunga ki ngā kaupapa e whitu. Ko aua kaupapa nunui e whitu, ā, ko ā te ODG tūtohunga matua, ko ēnei:

- 1. Whakahouanga Tūturu:** Whakaumutia te tiakanga taiao mā te whakahouanga tūturu o te pūnaha tiaki taiao.
- 2. Pūtake o te Tiakanga Taiao:** Whakahoutia ngā whakaaro ki te pūtake o te tiakanga taiao hei whakaū i te whaitake ōna i runga o Aotearoa.
- 3. Kawa, Tikanga, Mātauranga:** Poua te kawa, ngā tikanga me te mātauranga ki te pokapū o te pūnaha tiaki taiao.

10 Te whakaahuatua nei i roto o *Te Mana o te Taiao– Aotearoa New Zealand Biodiversity Strategy 2020* (Te Papa Atawhai, Ākūhata 2020).

11 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity* (Wai 262, 2011) (**Ko Aotearoa Tēnei**).

4. **Te Whenua, Te Wai, Ngā Rauemi, Ngā Momo Koiora Taketake Me Ētahi Atu Taonga:** Whakahoungia te tūnga ā-ture o ngā whenua tiaki taiao, te wai, ngā rauemi, ngā momo koiora taketake me ētahi atu taonga.
5. **Nōhanga Kōtuitiriti:** Whakahoutia te kāwanatanga, te whakahaerenga hoki o ngā mahi tiaki taiao hei whakaahua i te nōhanga kōtuitiriti ki ngā taumata katoa.
6. **Tino Rangatiratanga:** Whakaaetia te tukunga mana, te tukunga kawenga tae rawa atu ki te mana whakatau kaupapa kia motuhenga ai te whakamānawatanga o te tūnga, o te whakatinanatanga hoki o te rangatiratanga.
7. **Ngā Rauemi:** Whakawhanaketia ngā pūkenga, te raukaha hoki o DOC, o te tangata whenua hoki kia mana ai Te Tiriti.

I ngā wāhi e tika ana, kua oti i a mātou ētahi tūtohunga mātāmuri nei, tōna kotahi ki te rima (hui katoa, 17 rawa ngā tūtohunga mātāmuri) ki tēnā kaupapa, ki tēnā kaupapa, e whakatakoto ana i ētahi mahi āmiki tonu hei whakatutuki i te tūtohunga matua.

Ahakoia tā mātou whakauru i ētahi tūtohunga e hāngai ana ki te whakahouanga o ngā Kaupapa Here Arowhānui puta noa i ngā Kaupapa Rua ki te Kaupapa Whitu, kāore mātou i whakauru i te whakahouanga o ngā Kaupapa Here Arowhānui hei tūtohunga tūhāhā rānei, hei tūtohunga tūāpapa rānei. Heoi anō, e tino hiahiatia ana ētahi panonitanga ki ngā Kaupapa Here Arowhānui, he hua hoki aua panonitanga o ngā tūtohunga matua i whakapuakina e mātou i runga nei.

I runga i te whakahau mārama tonu o ā mātou tikanga whakahere, kua oti i a mātou te marohi tētahi Ūpoko 2 i tuhia hukihukitia anō, ko “Te Tiriti o Waitangi/Treaty of Waitangi responsibilities” te ingoa, e whakamāramatia ana i te **Āpitihanga 2** o te Pūrongo nei. Tuatahi iho ka miramiratia te hiranga o Te Tiriti, ā, tuarua iho ka miramiratia te mātāpono nui, arā te whakahoanga, i raro i Te Tiriti hei “hei kaupapa nunui i puta mai ai ētahi atu mātāpono matua katoa”.¹² I āwhina hoki te whakahouanga nei ki te whakatakoto, ki te whakatinana hoki i ngā tūtohunga whānui tonu i roto i tā mātou Pūrongo, ā, ka whakawhānui mātou i tā mātou whakaaroarohanga o Te Tiriti ki tētahi atu ūpoko o te Pūrongo nei.

Ehara i te mea mā ngā ritenga anake o ngā Kaupapa Here Arowhānui, mā te whakatinanatanga hoki o aua Kaupapa Here, ngā mātāpono o Te Tiriti e mana ai, engari kē ia me whakawhanake rawa ngā Kaupapa Here Arowhānui anō mā tētahi hātepe wānanga, hātepe whakatau kaupapa kē e mana ai ngā mātāpono o Te Tiriti. Ki ō mātou whakaaro, me ahu mai taua hātepe i te whakahoanga Tiriti ki te tangata whenua, ā, mā taua whakahoanga anō e arataki te hātepe.

12 Tuhinga a te Tari o te Komiti Matua “Te Tiriti o Waitangi / Treaty of Waitangi Guidance” (22 Oketopa 2019) CO 19/5 kei te 5.

Te taha ki taua take rā, ka hāpai anō te ODG i te kōrero, arā, kāore te hātepe arotake whāiti a ODG, me tēnei Pūrongo hoki, e noho hei whakapuakanga o ngā haepapa whakahoanga katoa e mau tonu nei, e whanake tonu nei, i raro i Te Tiriti. Kāore hoki e kapi te wāhi o taua āhuatanga. Me whakawhanake tonu ngā tūtohunga whāiti o ngā panonitanga – e hāngai ana ki te arotake o ngā Kaupapa Here Arowhānui, ki tētahi whakahouanga taketake anō hoki – ki roto i ngā takohanga, e ai hoki ki aua takohanga, e hua mai ana i taua nōhanga kōtui Tiriti.

Te hātepe mō ngā arotake whāiti

Ngā Tikanga Whakahere

He mea whakatau ngā tikanga whakahere o ngā arotake whāiti o ngā Kaupapa Here Arowhānui i te Huitanguru 2020 nā te Minister of Conservation (te **Minita**) me Te Pou Atawhai Taiao o Aotearoa (**NZCA**) i muri mai i te whiwhinga kōrero i te tangata whenua. Kei te **Āpitianga 1** o te Pūrongo nei e takoto ana te roanga ake o ngā tikanga whakahere.¹³ Ko ngā ritenga o ngā arotake whāiti ko ēnei:

- ko te whakaaroaro i te āhua o te whakaahuatanga o ngā haepapa Tiriti i roto i ngā Kaupapa Here Arowhānui i te wā nei;
- ko te whakahou i te whakamārama o ngā mātāpono o Te Tiriti i roto i ngā Kaupapa Here Arowhānui;
- ko te whakaaroaro i te āhua e tika ana kia whakaahuatia e ngā Kaupapa Here Arowhānui ko ngā tūtohunga o roto i tā Te Rōpū Whakamana i Te Tiriti o Waitangi pūrongo Ko Aotearoa Tēnei;¹⁴
- ko te tautuhi i ētahi wāhanga e tika ana kia riterite ake te reo o roto i ngā Kaupapa Here Arowhānui e rua, e pā ana ki ngā haepapa Tiriti; ā,
- ko te tautuhi i te hiahia o ētahi atu ture, ētahi atu kaupapa here hei unuunu i ngā herenga o tā DOC whakatutuki, o tā ētahi atu hunga whakatutuki i ngā haepapa Tiriti.

Ahakoia e āhua aro ana ngā tikanga whakahere ki te whakahouanga o ngā Kaupapa Here Arowhānui, e wātea tonu ana te ODG ki te whakatewhatewha i te āhuatanga whānui tonu o tētahi pūnaha tiaki taiao e riterite ai ngā pānga Tiriti. Ko ētahi ko te hiahia, te kore rānei e hiahiatia, o ētahi panonitanga o te whakature, o ētahi atu kaupapa here (me te mōhio anō me whakaae te Kāwanatanga, me tautoko hoki te Pāremata e panoni ai ngā ture).

13 E whakamanatia paitia ake ai ngā mātāpono o te Tiriti o Waitangi i ngā arotake whāiti o ngā Kaupapa Here Arowhānui Tiakanga Taiao me te Kaupapa Here Arowhānui mō ngā Whenua Rāhui ā-Motu

14 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011).

Ngā mema

I Pipiri 2020, ka tono te Tumuaki Ahurei of Conservation kia tautapangia ētahi tāngata hei mahi tahi ki a DOC me te ODG. I te Mahuru 2020, tokowaru ngā mema i kopoua e te Tumuaki Ahurei, he mea tautapa nā ngā whānau, ngā hapū, ngā iwi me ngā rōpū Māori, tokowhā ngā mema o te Poari Tiaki Taiao o Aotearoa, ā, tokotoru ngā mema o DOC hei mahi i ngā arotake whāiti. He mātanga hoki ngā mema o ODG o ā rātou kaupapa, ā, kāore e whakataruna he māngai rātou o ngā iwi, o ngā hapū. Ko ngā tāngata i kopoua ko ēnei:¹⁵

Ngā mema i ahu mai i te ao Māori	Ngā mema o te Conservation Board	Ngā kaimahi o DOC
Hoani Langsbury	Mana Cracknell	Tākuta Kayla Kingdon-Bebb
Tame Malcolm	Vicky Dombroski	Jeff Flavell
Aroha Mead	Nicole McCrossin	Karl Beckert
Beverley Nawarihi Hughes	Tākuta Barry Wards ¹⁶	
George Riley		
Tākuta Valmaine Toki		
Dion Tuuta		
Steven Wilson		

Te kaupapa

E whitu ngā wānanga i whakahaeretia e ODG, e rua rā te roa o tēnā, o tēnā, i waenga i te Whiringa-ā-nuku 2020 me te Hūrae 2021 hei whakawhanake i ētahi tūtohunga panonitanga hukihuki. Ko tētahi o ngā wero whāiti nei i whakatakotoria e Ngāi Tai ki Tāmaki (me te tautoko anō a Ngāi Tahu) ki mua i a mātou ko te “whakarewa i te waka, kia mātātoa hoki”, e pā ana ki ō mātou whakaaro ki te haerenga kōtuinga Tiriti, ki ngā mātāpono hoki i roto i te tiakanga taiao.

15 Mō ētahi atu pārongo, tirohia tēnei: <https://www.doc.govt.nz/our-work/partial-reviews-of-conservation-general-policy-and-general-policy-for-national-parks/options-development-groups/members-of-the-options-development-groups/>

16 Nā runga i ētahi atu herenga whaiaro, ka puta a Tākuta Barry Wards i te ODG i mua i te otinga o tana pūrongo whakamutunga.

I te roanga ake o te hātepe arotake, ka tau te māramatanga ki te ODG mō te nui, mō te roa o ngā wehenga i waenga i ā te Karauna haepapa Tiriti, me te pūnaha tiaki taiao o Aotearoa i te wā nei. Nāwai ka mārama kehokeho e kore e ea i ētahi panonitanga o ngā Kaupapa Here Arowhānui te whakamanatanga o ngā mātāpono o Te Tiriti, e kore hoki e hua ake i aua menemana ngā panonitanga e tika ana hei whakatakoto anō, hei hanga hoki i tētahi pūnaha tiaki taiao whaitake kē atu mō Aotearoa. Me te aha ka whakaahua ā mātou tūtohunga matua i ō mātou whakaaro ki te hiahia whānui kē mō te whakaumutanga i roto i ngā mahi tiaki taiao.

I a mātou e mahi ana i tā mātou mahi, e whakawhanake ana i ā mātou tūtohunga, ka arotake te ODG, ka āta whakaaroaro hoki i ēnei kaupapa:

- ko te ture matua, tae atu ki te Conservation Act 1987, me ētahi atu ture e 23 e takoto mai ana i te Whakamārama 1 o taua Ture, te whakahaeretia nei e DOC;¹⁷
- ko ngā ritenga Kaupapa Here Arowhānui tonu a DOC, tae atu ki ngā Kaupapa Here Arowhānui, ētahi atu kaupapa here hukihuki ō mua a DOC,¹⁸ me ngā tauākī a DOC mō Te Tiriti;¹⁹
- ko ētahi Kaupapa Here Arowhānui a te Kāwanatanga me ngā kupu tohutohu tūhāhā, tae atu ki ā te Kāwanatanga tohutohu e pā ana ki Te Tiriti;²⁰ ngā rautaki rerenga rauropi me ngā kōrero o te wā;²¹ me ngā pūrongo pēnei me He Puapua;²²

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- 17 Kei roto pū i ngā Kaupapa Here Arowhānui ko tētahi kaupapa here tapatahi hei whakatinana i te Conservation Act 1987 me ngā Ture i raro nei, e takoto ana i te wā nei i te Āpitianga 1 o te Conservation Act 1987: National Parks Act 1980; Wildlife Act 1953; Marine Reserves Act 1971; Reserves Act 1977; Wild Animal Control Act 1977; and Marine Mammals Protection Act 1978. The remaining Acts in Schedule 1 (to which the section 4 obligations also apply) are: Canterbury Provincial Buildings Vesting Act 1928; Game Animal Council Act 2013; Harbour Boards Dry Land Endowment Revesting Act 1991; Kapiti Island Public Reserve Act 1897; Lake Wanaka Preservation Act 1973; Mount Egmont Vesting Act 1978; Native Plants Protection Act 1934; Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act 1998; Queen Elizabeth the Second National Trust Act 1977; Queenstown Reserves Vesting and Empowering Act 1971; Stewart Island Reserves Empowering Act 1976; Sugar Loaf Islands Marine Protected Area Act 1991; Trade in Endangered Species Act 1989; Tutae-Ka-Wetoweto Forest Act 2001; Waitangi Endowment Act 1932–33; Waitangi National Trust Board Act 1932; Waitutu Block Settlement Act 1997. Kei roto hoki i te Āpitianga 1 ko te West Coast Wind-blown Timber (Conservation Lands) Act 2014 taea noatia te whakakorenga ona i te tau 2019.
- 18 Hei tauira: *Ngā Akiakitanga* Nuku Kaupapa Māori ā Te Papa Atawhai (Kaupapa Māori Strategic Policy Initiatives) (Te Papa Atawhai, Pēpuere 2001).
- 19 Hei tauira, 2014 Statement of Treaty principles (Te Papa Atawhai, 2014).
- 20 Tuhinga a te Tari o te Komiti Matua “*Te Tiriti o Waitangi / Treaty of Waitangi Guidance*” (22 Oketopa 2019) CO 19/5.
- 21 *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020* (Te Papa Atawhai, Ākuhata 2020).
- 22 *He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand* (1 Nōema 2019).

- ko ngā ture whakawānga tarāwhare me ētahi pūrongo huhua rawa a Te Rōpū Whakamana i Te Tiriti;²³ ā,
- ko ngā whakarawe tāwāhi e hāngai ana, me ngā whakataunga.²⁴

E wherahia tonutia ana ēnei kaupapa me ngā pitopito kōrero katoa, ki te wāhanga e hāngai pū ai te kaupapa ki ngā arotake whāiti, i roto i te Pūrongo nei.²⁵

I waenga i ngā pae o ā mātou tikanga whakahere, ā mātou ritenga toronga i whakatauria, me ngā takohanga hoki, ā, me te tautoko anō a ētahi kaimahi DOC, i oti i a mātou tō mātou ake huarahi te whakatau mō te whanaketanga o ngā tūtohunga hukihuki. Ko tā mātou tirohanga he tirohanga tātari kaupapa here māori noa, tae atu ki te whakamahinga o ngā tauira matapae pānga, hei whakamātau i ngā take kaupapa here, hei whakawhanake tūtohunga hoki. Ko ētahi o ngā mahi ko te tautuhi i te āhua o ngā kaupapa i te wā nei, me te āhua e hiahiatia ana ā te wā i raro i te anga haepapa Tiriti. Kātahi ka whakahaeretia tētahi tātaritanga whārua kia taea ai ētahi whāinga kaupapa here te whakawhanake hei “whakarūnā i te wehenga”, kia hāngai ai ki ngā haepapa Tiriti, hei whakatakoto tūtohunga hoki e whai ana i ngā panonitanga.

E whā rawa ngā kaupapa matua i tautuhia tuatahitia e te ODG:

- te pou tarāwaho Tiriti o Waitangi;
- ngā kaupapa haerenga kōtuinga ki te tiakanga taiao;
- te whakamahinga, te whaiwāhitanga hoki ki ngā rauemi; ā,
- ngā putanga mātauranga, ngā putanga rerenga rauropi hoki.

I whakatūria ētahi ohu mahi mō tēnā kaupapa, mō tēnā kaupapa hei whakawhanake kaupapa, hei whakawhanake tūtohunga. Kātahi ka kohia ngā tūtohunga hukihuki a ngā ohu mahi katoa, ka whakamahinetia e te ODG katoa, ā, ka whakakotahitia hei huinga tūtohunga hukihuki ki te taumata tiketike, hei whakamātauranga ki ngā huinga whakawhitiwhiti kōrero.

Huinga whakawhitiwhiti kōrero

I whakamātauria ā mātou tūtohunga hukihuki ki tētahi rārangi huinga whāiti, ki ngā wānanga hoki i tū rā puta noa i te motu, i runga ipurangi hoki i waenga i Paengawhāwhā me Pipiri 2021.²⁶ Ko aua huinga, ko aua wānanga ēnei:

23 E wherawherahia āmikitia ana te ture kēhi me ngā pūrongo a Te Rōpū Whakamana i te Tiriti o Waitangi ki muri nei i tēnei pūrongo, ki te wāhanga ‘Te Tiriti o Waitangi / Treaty of Waitangi’.

24 Hei tauira, *United Nations Declaration on the Rights of Indigenous Peoples* (GA Res 61/295, 2007) me ngā whakataunga me ngā paerewa a te International Union for the Conservation of Nature.

25 Kei te muri o tēnei Pūrongo tētahi rārangi o ngā tohutoro katoa; tirohia ‘Ngā Tohutoro / References’.

26 I tū ngā huinga ā-tinana ki: Rāpaki; Ōtākou; Te Tau Ihu (Motueka); Tauranga; Rotorua; Whakatāne; Wairoa; Kerikeri/Te Tai Tokerau; Tūranga; Whanganau; Manawatu; Te Matau a Māui; Taranaki; Pārāwai; and Kirikiriroa.

- e 20 ngā hui ki ngā whānau, ngā hapū me ngā iwi;
- 13 ngā hui ki ngā Conservation Boards;
- kotahi te hui ki ngā rōpū whaipānga ki te tiakanga taiao; ā,
- kotahi te hui ki te NZCA.

I rikoatatia ngā whakahokinga kōrero me ngā kōrerorero i ngā hui, ā, i muri mai ka kohikohia hei whakaarohanga mā mātou. E mihi ana a ODG ki te hunga i taetae mai ki ā mātou hui, mō ngā whakahokinga kōrero hoki i whiwhi i roto, i muri hoki i aua hui; he whakahirahira hoki hei whāngai i te Pūrongo nei.

E takoto mai ana ngā kōrero nunui i whiwhi mai i ngā huinga toronga, i ngā whakautu hoki i tuhia i roto i te **Āpitianga 4** o te Pūrongo nei. Ko ētahi o ngā whakahokinga kōrero i kaha te putaputa mai ko ēnei:

- he tautoko matareka i te hiahiatia o te panonitanga taketake, o ngā panonitanga whitake mō te wā nei nā hoki;
- me kōkiri ngā tūtohunga hei kete kotahi (me te mōhio anō me whai ngā tūtohunga mō te wā nei ināia tonu nei);
- tērā te hiahia ki te whakaahua i ngā take o te wā pēnei me te huringa āhuarangi, me ngā putanga rerenga rauropi kia pai ai tā tātau hanga tahi i ētahi rongoā mō ēnei take;
- he tukarutanga mānahanaha i te āhua o tā DOC whakatinana i āna haepapa Tiriti;
- he āwangawanga i ngā whakaaro o te marea ki ngā tūtohunga, me te mōhio anō me āta tukutuku atu kia tahuri mai ai te marea, e hāneanea ai rātou, e mātau ai rātou, i runga i te huarahi nei; ā,
- he pīrangi ki te whai wāhi ki te hātepe whakatinanatanga, me te whakaū hoki i te hāngaitanga o te huarahi whakatinanatanga ki ngā āhuatanga huhua, ki ngā wāhi huhua huri noa i te motu.

I whakaaroarohia ngā whakahokinga kōrero katoa e te ODG i mua i te whakakōhatutanga o ā mātou tūtohunga, ka whakaurua ai ki te Pūrongo nei.

Ngā tauārai

Kua ngana te ODG kia whakapuke te ngākau, ā, kia whānui hoki te pānga o ā mātou tūtohunga kia whakaahuatia tikatia ai te tikanga o tēnei mea te whakamanatanga o Te Tiriti i roto i te ao tiakanga taiao. Koirā kē te takohanga i runga o DOC. I te whakatakotoranga o ā mātou tūtohunga, i ngana mātou ki te whakataurite i te noho mai o ngā panonitanga whānui, panonitanga hao, panonitanga whakaumu nei, ngā marohitanga whāiti kia menemanatia ai ngā Kaupapa Here Arowhānui, me te whakatinanatanga o te tiakanga taiao i roto i te pou tarāwaho ā-ture o te wā nei.

I te mahinga mai o te mahi whakataurite nei, i āta tipako mātou i te aronga mā mātou, he poto rawa nō te wā ki te whakatakoto tūtohunga mātotoru e pā ana ki ngā ture katoa tokitoki, ngā kaupapa here hoki e hāngai ana ki te tiakanga taiao, ā, i waho atu ētahi atu hātepe o te wā nei i ā mātou tikanga.²⁷ Nā konei mātou i arotahi ai ki ngā take nui kei te pokapū o ngā panonitanga e hiahiatia ana. E whakaūngia ai te whakamanatanga o Te Tiriti ki te whānuitanga o te pūnaha tiaki taiao, ki ō mātou whakaaro e hiahiatia ana tētahi hātepe arotake mātotoru, hātepe hangarau nei ki roto i te hōtaka mahi whānui tonu e ahu ai he whakahouanga tūturu. I runga anō i te whai kia whakamānawatia te hiranga o te haerenga kōturi i raro i Te Tiriti, me whai wāhi te tangata whenua ki roto ki te hoahoanga, te mahinga me te whakatinanatanga o taua hātepe arotake.

I te whakaaranga o taua kōrero whakamutunga e pā ana ki te hātepe mō tētahi atu arotake, e whakapuakina e ētahi iwi huhua kāore te hātepe a te ODG e whakaahua i tētahi haerenga kōturi Tiriti, e ai ki ō rātou whakaaro.²⁸ I whakapuaki hoki ētahi iwi he pai kē ki a rātou kia mahi tahi a DOC ki a rātou kē i ngā arotake whāiti o ngā Kaupapa Here Arowhānui, kua mā roto i tētahi ohu arotake tūhāhā.

E aroha ana te ODG ki aua māharahara, ā, ka tōwai mātou i te mihi i te kounga o ngā whiriwhiringa kōrero a aua iwi, a ētahi atu hoki i wātea ki te whai wāhi mai ki ētahi wāhanga o tā mātou hātepe. E arongia ana e mātou he mea whakahau nā te Conservation Act, nā te National Parks Act te hātepe mō te arotake, mō te menemana hoki i ngā Kaupapa Here Arowhānui, ā, i roto i aua tauāraitanga, kua whakapau kaha a DOC hei whakaū i te hāngai o te whakatūranga, o ngā mahi hoki a te ODG ki ōna takohanga i raro i Te Tiriti. Heoi anō, e taea tonutia ana ngā āhuatanga te whakapai ake, ā, e hāpai ana mātou i te take nei, arā kāore te Pūrongo nei, te tukanga arotake whāiti a te ODG e kapi i te hiahia kia whāwhā tonu atu a DOC i ēnei take, kia mana ai te haerenga kōturi Tiriti ā muri nei.

Ko tā te Pūrongo nei he whakarite whakarewanga e whāngaitia ai ngā panonitanga, ā, ko te whāinga ia ko te tauwhirotanga, ko te whakamanatanga pai rawa atu o Te Tiriti i roto i te ao tiaki taiao. Ka whakatūturu mātou i te hiranga o te wānangatahi ki te tangata whenua hei whakaū i ngā putanga o te hātepe arotake whāiti a te ODG, hei hoahoa hoki, hei whakatinana hoki i ētahi atu panonitanga whakaumu kē e hua mai ana.

27 Hei tauira, e arongia ana e te ODG ētahi hongere mahi arotake huhua e whakahaeretia ana e DOC i te taha o ngā arotake whāiti o ngā Kaupapa Here Arowhānui, tae atu ki te hātepe arotake, te hātepa kōmaka anō i ngā whenua tiaki, me te arotake o ngā pūnaha whakamahere whakahaerenga.

28 Ko tā ētahi iwi i whakapuaki ai, he teretere rawa ngā hui whakawhitihiti whakaaro, kāore ngā kōrero i tukutukuna haeretia i mua i te hui kia whaihua ai tā ngā iwi uruuru ki ngā kōrero, ā, kāore i eke ki te taumata te arongia, te whakatairangatia hoki o te whakahirahira o ngā mahi e mahia ana.

Ka arongia hoki e te ODG, i te Hereturikōkā 2021 i whakaputaina e te Environmental Defence Society (EDS) tētahi pūrongo e kīia nei ko *Conserving Nature: Conservation Reform Issues Paper* e tautuhi nei i ētahi take i roto i te pūnaha whakahaere kaupapa tiaki taiao o te wā nei, me te hiahia anō kia whakahoutia wawetia. I tukuna te pūrongo a EDS i muri mai i te otinga o te nuinga o ā te ODG mahi, ā, kei tua noa atu o tā te ODG e taea ai, e whai rauemi ai ki te mahi, ko te arotakenga mātotorutanga o ngā kai o roto, me te whakatakoto whakaaro hoki. Heoi anō, ko te whakatau whānui ia, ko te āhua nei he nui te wehenga i waenga i ētahi āwangawanga i tautuhitia e te ODG, me ērā i tautuhitia e te EDS. Inā hoki ka arongia e mātou tā te EDS tautuhi o “tētahi āputa nunui i roto i te whakamanatanga o ngā mātāpono o Te Tiriti, me te kōrapa taketake hoki i waenga i ngā mahi tiaki taiao me te mātauranga Māori”,²⁹ me tō rātou whakaaro hoki me whakatutuki e tētahi pūnaha tiaki taiao hou mō Aotearoa ēnei mahi, me ētahi atu hoki:³⁰

- te whakatinana, te tautoko hoki i tā te Karauna haerenga kōturi roroa i te taha o te iwi Māori;
- te whakamana i te noho a te tangata whenua (iwi, hapū, whānau) hei rangatira, hei kaitiaki; ā,
- te whakamana i te wāhi ki te mātauranga.

Ngā mahi mō muri nei

Te taha ki te hātepe mō muri nei, ka whakatakatoria te Pūrongo nei ki te aroaro o te Tumuaki Ahurei, kātahi ia ka wānanga tahi ki te Minita me te NZCA i ngā tūtohunga. Ko te tūmanako ia kia wawe tonu te whakawāteatanga o te Pūrongo nei ki te marea.

Ka tahuri ki ā te ODG tūtohunga, mehemea ka pā aua tūtohunga ki ngā Kaupapa Here Arowhānui anō, e herea ā-turetia ana te Tumuaki Ahurei kia whakamōhio i te iwi whānui ki ētahi panonitanga e marohitia ana ki ngā Kaupapa Here Arowhānui. Nā reira i matapaetia ai, kia whakahokia rā anō ngā kōrero a te Minita me te NZCA, ka tuhia hukihukitia ngā whakahouanga ki ngā Kaupapa Here Arowhānui e marohitia ana, ā, ka tukuna atu hei kōrerohanga mā te marea, tae atu ki te tangata whenua. Ko ngā kaiwhakatau whakamutunga i ētahi panonitanga ki ngā Kaupapa Here Arowhānui ko te Minita (mō te Kaupapa Here Arowhānui Tiakanga Taiao) me te NZCA (mō te Kaupapa Here Arowhānui mō ngā Whenua rāhui ā-motu), māna ngā whakahokinga kōrero e arotake, māna hoki ētahi atu panonitanga e tika ana i mua i te whakamanatanga o te takotoranga whakamutunga o ngā Kaupapa Here Arowhānui.

Heoi anō te taha ki te whakaarohanga me te whakamanatanga o ngā tūtohunga o te Pūrongo nei, ko te wawata, ko te takune o te ODG kia whakaarohia ngā tūtohunga hei kete kotahi. E inaki ana te tūtohunga tētahi i tētahi, ā, ki ngā whakaaro o te ODG, kāore e hua ake i te tīpakotanga takitahitanga o ētahi tūtohunga motuhake nei ko ngā panonitanga tūturu, panonitanga o te pūnaha katoa kia whakamanatia paitia ai ngā mātāpono o Te Tiriti.

29 *Environmental Defence Society, Te Tiaki i te Taiao: He Pepa Take Whakahounga Tiakanga Taiao* (Ākuhata 2021), kei te 144.

30 *Environmental Defence Society, Te Tiaki i te Taiao: He Pepa Take Whakahounga Tiakanga Taiao* (Ākuhata 2021), kei te 153.

E ū ai ngā panonitanga e taea ana i roto i te wā poto nei ki uta, kua whakarōpūtia pēneitia ngā tūtohunga a te ODG:

- (a) ko ngā tūtohunga mō te wā nei e taea ana te whakatinana i nāia tonu nei (hei muri i ngā wānanga ki te tangata whenua); ā,
- (b) ko ngā tūtohunga whakahouanga tūturu kē e taea ana te whakatinana i tētahi wā roa paku atu, arā ngā tau e rima e tū mai nei.

Ka pā atu ā mātou tūtohunga mō te wā nei ki ēnei kaupapa:

- ko te whakahouanga o ngā Kaupapa Here Arowhānui;
- ko te panoni i te whakatinanatanga o te tiakanga taiao (tae atu ki ērā e puta mai ana i te whakahouanga o ngā Kaupapa Here Arowhānui); ā,
- ko te whakapakari i te āheinga, i te raukaha o DOC me te tangata whenua kia mana ai Te Tiriti i roto i te pūnaha tiaki taiao.

Ka pā atu ā mātou tūtohunga panonitanga tūturu ki ētahi panonitanga ā-ture, panonitanga o te pūnaha whānui anō hoki, me te tautoko ā-pūtea i aua momo panonitanga. Heoi anō, e matapae ana te ODG me tīmata i nāia tonu nei ngā mahi tūāpapa o ngā panonitanga tūturu, me te whakaaro anō ka whakatinanatia i roto i ngā tau e rima nei. E mārakerake ana te kitea me whakatau tonu te tūnga o ngā Kaupapa Here Arowhānui mō muri nei, mehemea ka oti tētahi arotake taketake, me ngā whakahouanga tūturu.

Hei whakakapi, arā i te taha ki te hātepe hei huarahi whakamua, ka hāpai te ODG i te whakaaro he taonga whakahirahira ki te tangata whenua te taiao me tōna tiakanga, ko ngā panonitanga katoa e pā ana ki ngā Kaupapa Here Arowhānui rānei, ki ngā āhuatanga taketake rānei, me kōtui te haere i te taha o te tangata whenua kia kōkiri ai te kaupapa. He pēnei anō tā Te Rōpū Whakamana i Te Tiriti o Waitangi whakakoi ake i roto i tāna pūrongo *Ko Aotearoa Tēnei*:³¹

Nā runga i te whakahirahira o te taiao kei raro i te mana whakahaere a DOC ki te morehutanga o te ahurea Māori, ka whakahau ngā mātāpono Tiriti kia noho mai hei tino huarahi tika hei whakahaere tiakanga taiao ko te nōhanga kōtui, ko te whakataunga tahitanga hoki o ngā kaupapa i waenga i te Tari me te kaitiaki.

31 Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011), Pukapuka 1, kei te 372.

Kāore he urupare māmā o te take nei, arā, me tahuri te Karauna ki a wai kōrerorero ai hei hoa kōtuiti Tiriti. Ahakoa te aronga i te ODG i tā te Komiti Matua whakaaetanga o “Guidelines for engagement with Māori” i te tau 2018, e āwhina mai nei ki te whakaaroaro i te take o te huinga tahitanga e ai ki ngā mātāpono o Te Tiriti³², e whakaaro ana te ODG kei te taumata tiketike rawa te hiahia ki ngā toronga ā muri nei i roto i te horopaki o te rangi nei. Waihoki rā, inā te hiahia ki te hoahoatanga ngātahitanga, ki te nōhanga kōtuitanga tūturu anō hoki ki te tangata whenua. Ka hōparapara ā ODG tūtohunga i ngā kaupapa whakahirahira ki ngā takiwā, ki ngā rohe, ki te motu whānui hoki. Me te aha e hiahiatia ana ngā torotoronga i ngā iwi, ngā hapū, ngā iwi, me ētahi atu rōpū Māori e whaipānga ana ki te taiao me te tiakanga ōna, i te taha o ngā huinga tūmatanui, ngā huinga ki te iwi Māori nui tonu rānei.

Ki ō mātou whakaaro, me torotoro rawa te Minita ki te tangata whenua hei whakatau i te pitomata kia kopoua e te tangata whenua tētahi ohu tohutohu hei mahi tahi ki te Minita me DOC, i te tīmatanga rā anō o tētahi hātepe whakahouanga, i mua hoki i ētahi whakataunga kaupapa here motuhenga hoki. Ko ngā mahi a taua ohu ko ēnei:

- (a) Ko te whakawhanake i tētahi hātepe hoahoa-tahi mō te arotake tūturu o te pūnaha tiaki taiao; ā,
- (b) ko te arataki, ko te akiaki i taua arotake, me te whakatinana i ngā putanga whakahouanga e hua ake ana.

32 *Te Arawhiti, Kuputohu mō te whakapā i te iwi Māori* (Oketopa 2018).

Whakaohooho

Kāore he hua o te taura tiakanga taiao onāiane i Aotearoa

Kei te korokoro o Te Parata te rerenga rauropi i Aotearoa nei, ā, he tere tonu te tāmātemate o ngā pūnaha rauropi taketake, o ngā momo koiara taketake hoki.³³ Kei tōna 4,000 ngā momo koiara e mōrearea ana, e tata mate ā-moa ana rānei, me te aha ka nuku atu i te 80 ōrau o ā tātou mokomoko, ā tātou poraka, ā tātou pekapeka, me ā tātou manu ka ngaro pea.³⁴ E 59 o ā tātou momo manu kua ngaro mai anō i te taenga mai o te ira tangata ki konei, ā, e ngarongaro tonu atu ana ngā pūnaha rauropi taketake me ngā nōhanga pēnei me te rohe pātītī taranui, te tāhuhua, te tāwhao taketake, me te ngahere taketake.³⁵ He iti iho i te haurua o ngā whenua o Aotearoa e ūhia tonutia ana ki ngā tipu taketake.

Hei a DOC te haepapa mō te hautoru o ngā whenua me ngā terenga wai o Aotearoa, ā, koia te pou tītoko o ngā mahi tiaki rerenga rauropi, o ngā mahi tiaki taiao hoki. He rite tēnei ki te waru miriona heketea, nuku atu, ā, kei roto ko ngā ngahere taketake, ngā awa, ngā maunga, ngā repo me ētahi atu horanuku, me ētahi atu pūnaha rauropi. Ahakoa he nui noa atu ngā whenua tiaki o tō tātou motu tēnā i ō ētahi atu, kua mimiti haere te rerenga rauropi i raro i ngā whakahaerenga a te Karauna i ngā whakatipuranga e hia nei, ā, kua tino whakahapa ētahi wāhi, pēnei me te ngahere o Raukūmara.³⁶ He iti rawa ngā rawa o te taura tiakanga taiao nei, he kaupapa Karauna anō hoki, ā, kāore i te whakatutuki i te whakakitenga a DOC, arā kia taurikura hoki a Papatūānuku.

He huarahi e hangaia ai he taura motuhake, he taura Aotearoa ake nei mō te tiakanga taiao

He tokomaha hoki ngā tāngata o Aotearoa e rongoa ana i te aroha nui ki ō tātou rerenga rauropi taketake, ki ā tātou momo koiara taketake anō hoki. He kawenga kotahi tā tātou katoa, arā, ki te tiaki i te rerenga rauropi mō ngā whakatipuranga o te rā nei, o āpōpō hoki.

Me tautuhi anō, me whakamana hoki e tātou, e te motu, ētahi tikanga matatika, tētahi huarahi mahi hoki i tēnei mea, te tiakanga taiao e tika ana, e whaihua ana mō Aotearoa, ā, me hāngai hoki ki Te Tiriti.

33 *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020* (Te Papa Atawhai, Ākuhata 2020) kei te 12-13.

34 *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020* (Te Papa Atawhai, Ākuhata 2020) kei te 4-5, 8. Tirohia hoki *New Zealand’s Environmental Reporting Series: Our Land 2018* (Manatū mō te Taiao me Tatauranga Aotearoa, Aperira 2018); *New Zealand’s Environmental Reporting Series: Environment Aotearoa 2019* (Manatū mō te Taiao me Tatauranga Aotearoa, Aperira 2019).

35 *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020* (Te Papa Atawhai, Ākuhata 2020) kei te 17. Tirohia hoki *New Zealand’s Environmental Reporting Series: Our Land 2018* (Manatū mō te Taiao me Tatauranga Aotearoa, Aperira 2018); *New Zealand’s Environmental Reporting Series: Environment Aotearoa 2019* (Manatū mō te Taiao me Tatauranga Aotearoa, Aperira 2019).

36 Tirohia, hei taura, Veronika Meduna, “How to fix the Raukūmara” (New Zealand Geographic, Hanuere-Pepuere 2021).

He hōhonu, he roroa te piringa, te māramatanga hoki a te tangata whenua ki te ao māori, ki te taiao hoki. E tino whirikoka ana te tuakiri, te ahurea me te mātauranga a te tangata whenua ki te taiao māori o Aotearoa. I roto i te ao Māori, e tūhonohono ana ngā mea katoa, ora mai, mate mai, ki te taura here o te whakapapa, ā, e whakaarohia ana te tangata e ia anō he wāhanga tūturu o te taiao māori nā runga i tōna hononga whakapapa. Ka hokihoki te whakapapa nei ki ngā mātua tawhito: Ko Ranginui rāua ko Papatūānuku me ō rāua uri, ā, ko te nuinga o rātou he tohu nō ētahi āhuatanga o te taiao māori.

E ai ki te tangata whenua, ko ngā āhuatanga katoa o te taiao he whanaunga ki a rātou, manu mai, tipu mai, awa mai, roto mai, maunga mai, ā, he mauri tō tēnā, tō tēnā. Nā konei te haepapa ki te atawhai, ki te manaaki, ki te tiaki i te taiao māori, ā, ka whakaahuatia tēnei hanga e te ariā nei, te kaitiakitanga. E tūhono ana te mātāpono me te takohanga o te kaitiakitanga ki te piringa whakapapa o te tangata whenua ki te taiao. He piringa tauutuutu te piringa nei, ā, ko te whāinga nui ko te tauritenga. He mea nui rā hoki te whakamahinga o te taiao māori mō te oranga o te tangata whenua hei tāngata, ā, he whakahirahira rawa mō te oranga o te ahurea. Manohi anō ka whirinaki te ora o te taiao ki te ora o te tangata, me tōna mōhio ki te tiaki ake.

Nō mai anō te tangata whenua, ā rātou tikanga me ō rātou mātauranga i noho pīwai nei i roto i ngā mahi whakahaere tiakanga taiao, i ngā whakataunga hoki. Ka pā kino tēnei āhuatanga ki te rerenga rauropi taketake. Heoi anō, e tau haere iho ana te māramatanga ki runga ki a DOC he pai ngā hua o te whai wāhitanga, ahakoa pēhea nei te iti, o te tangata whenua ki ngā mahi whakahaere tiakanga taiao.³⁷ E whakaahuatia ana tēnei hanga i roto i te aronga rautaki e takoto mai ana i roto o *Te Mana o Te Taiao – the Aotearoa New Zealand Biodiversity Strategy 2020*.³⁸ E taunakitia ana tēnei e ngā rangahau a te ao, e mea nei he pai atu ngā hua ki te taiao o ngā whenua e puritia ana, e whakahaeretia ana rānei e ngā iwi taketake, tēnā i ngā whenua kāore e pērātia.³⁹

E whakaaro ana te ODG, e tika ana kia whāngaitia tētahi tauira tiaki taiao mō Aotearoa ki ngā mātauranga me ngā tikanga, ā, kia noho mai ki tōna puku ko te rerenga rauropi taketake me Te Tiriti. Nā te wāhanga 4 o te Conservation Act te tuaiwi pakari, arā ko tētahi whakahau ā-ture hei tūāpapa e tū ai ki runga ake ko tētahi pou tarāwaho tiakanga taiao mō āpōpō. Ko te whakamanatanga o Te Tiriti me ōna mātāpono te tīmatanga o te whakahouanga o te whakaarohanga, o te tautuhinga o ā tātou mahi tiaki taiao i Aotearoa, kia puāwai ai tō tātou taiao, me ō tātou piringa hoki.

He tino nui rawa te korokoro o te parata tiakanga taiao nei kia whakaritea e tētahi o tātou me tōna kotahi noa iho. Ko te rongoā kotahi e whaihua ana ko te nōhanga kōtui motuhenga ki te tangata whenua, me te mahi tahi ki ētahi atu. I te mutunga iho, ka whiwhi painga te taiao me te katoa o Aotearoa hoki i tēnei āhuatanga.

37 Waitangi Tribunal, Ko Aotearoa Tēnei (Wai 262, 2011), Pukapuka 1 kei te 346.

38 *Te Mana o Te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020* (Te Papa Atawhai, Ākuhata 2020).

39 Tirohia, hei tauira, E S Brondizio, J Settele, S Díaz, and H T Ngo (eds), *Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services* (Intergovernmental Platform on Biodiversity and Ecosystem Services, 2019).

Te pūtake o te panonitanga

Kua roa te hāpori e whakahau ana kia panonitia te pūnaha tiaki taiao. Inā tata nei ka taunakitia te hiahia nei i roto i te pūrongo a EDS, ko *Conserving Nature: Conservation Reform Issues Paper*. Kua tōmuri kē ā te ODG mahi, me ētahi atu mahi me ētahi atu panonitanga e mea nei te ODG e tika ana kia mahia.

Kua arongia kētia, ko tētahi pūtake matua mō ngā arotake whāiti ko te whakataua a Te Kōti Matua i te whakawānga *Ngāi Tai ki Tāmaki*.⁴⁰ I roto i taua whakawānga, ka wero a Ngāi Tai ki Tāmaki i te whakaaetanga a DOC i ētahi whakaritenga tauhokohoko e rua mō ngā haerenga tāpoi e aratakina ana ki runga o Motutapu me Rangitoto. Ka whakaaroarohia e Te Kōti Matua ngā haepapa a DOC i raro i te wāhanga 4 o te Conservation Act, ā, ka whakataua kāore i tika tā DOC whakamana i ngā mātāpono o Te Tiriti i roto i tāna whakataua kia whakaaetia ngā whakaritenga, he kore nō DOC i whakaaroaro tika i ngā pānga ā-ōhanga a Ngāi Tai ki Tāmaki, a te mana whenua hoki, me te āheinga kia noho mātāmua mai ko rātou.⁴¹ Ka tohutohu te Kōti i a DOC kia whakaaroarohia anō āna whakataua nā runga i te whakawānga a te Kōti.⁴²

Ahakoia he whakawānga tēnei e pā pū ana ki ngā whakaritenga, kei tōna pokapū ko te tikanga, te pakari, me te pānga o te wāhanga 4. I roto i te horopaki nei, ka tauākī Te Kōti Matua.⁴³

[54] E aro ana i a mātou kāore te w 4 e noho taratahi, ā, he huhua ngā āhuatanga hei wherawhera i te whakataunga o te tono whakaaetanga. Hei tauira, i te kēhi nei nā, me noho tahi te whakahau o roto o w 4 ki ngā mātāpono nei, arā te whai wāhi a te marea, me te whakarekareka hoki i roto i ngā momo whenua i roto i te Reserves Act e pā ana ki te Motu. ...Engari kei pōhēhētia ka noho mātāmuri kau te w 4 ki ētahi atu āhuatanga pērā i aua mea rā]. Me kua hoki te w 4 e noho mai hei wāhanga o tētahi mahi whakatauriterite i ētahi atu āhuatanga e hāngai ana. E hiahitia ana ko tētahi tukanga e tutuki tonu ai ētahi atu whāinga ā-ture, whāinga ō-waho ture rānei, ki te taumata e taea tonutia ana i raro i te w 4, e mana ai ngā mātāpono o te Tiriti e tika ana.

[55] Ka whakamahia aua whakakitenga ki ētahi whakataua e ai ki ngā mātāpono Tiriti e hāngai ana, e ai hoki ki ētahi atu whāinga ā-ture, whāinga ō-waho ture rānei e pāngia ana.

40 *Ngāi Tai ki Tāmaki Tribal Trust ki te Minita Tiaki Taiao* [2018] NZSC 122, [2019] 1 NZLR 368.

41 *Ngāi Tai ki Tāmaki Tribal Trust ki te Minita Tiaki Taiao* [2018] NZSC 122, [2019] 1 NZLR 368, kei te kōwae [73].

42 I te tau 2020, ka mahia anō e DOC tētahi o ngā whakataunga whakaaetanga e tohea ana i te whakawānga *Ngāi Tai ki Tāmaki*. Te arotakenga iho, ka whakatauria e tika ana kia whakahēngia te tono. I raro i ngā kupu arataki a te Kōti Matua, ka whakatauria i hē tā te kaiwhakataua korenga i whai whakaaro ki te ngā hiahia, ngā pānga ōhanga a te mana whenua i roto i te wakataua tuatahi, e whakahautia ana i raro i te Wāhanga 4 o te Conservation Act. I unuhia tērā atu tono whakaaetanga e tohea ana i roto i te whakawānga.

43 *Ngāi Tai ki Tāmaki Tribal Trust ki te Minita Tiaki Taiao* [2018] NZSC 122, [2019] 1 NZLR 368, kei ngā kōwae [54]-[55].

Waihoki, koinei te kōrero a Te Kōti Matua e pā ana ki ngā Kaupapa Here Arowhānui anō:⁴⁴

Kei roto te tauākī e whai nei i te Kaupapa Here Arowhānui Tiakanga Taiao i whakaputaina e DOC, i raro i te ūpoko “Haepapa Tiriti o Waitangi”:

Me whakamārama, me whakatinana hoki te Conservation Act 1987, me ētahi atu Ture katoa e rāangi mai ana i tōna Whakamārama Tuatahi, kia mana ai ngā mātāpono o te Tiriti o Waitangi (wāhanga 4, Conservation Act 1987). Heoi anō, me he mārama te kītea o ngā wehewehenga e waenga i ngā ritenga o ētahi o aua Ture me ngā mātāpono o te Tiriti, ka mana ko ngā ritenga o te Ture e tika ana.

[77] Tēnei mātou te whakahē nei ki taua tauākī, e mea nei ka noho mātāmuri te w 4 ki ētahi atu ritenga ā-ture. I arongia i mua rā, e hiahiatia kētia ana kia whakatinanatia ētahi atu ritenga ā-ture e ai ki te whakahau a w 4.

Nā reira i whakatūturutia rā e te whakatau a Te Kōti Matua te whakaaro he rāangi Tiriti “kaha” te wāhanga 4, ā, kāore i te tika kia whakawhāititia tōna whakamārama.⁴⁵ I runga i tēnei āhuatanga, me mana i a DOC ngā mātāpono o Te Tiriti i roto i ngā āhuatanga katoa o āna mahi. Waihoki ka pā atu te takohanga a te wāhanga 4, ā, me whāngai kōrero hoki, ki ngā mahinga katoa a ngā Conservation Act (tae atu ki te whakahaerenga o ngā Ture e 24 e noho haepapa ai a DOC).⁴⁶ He whakamaharatanga pai te whakatau o Ngāi Tai ki Tāmaki, he tohu anō hoki e māia ana ngā Kōti ki te whakamana i te punga ā-ture, arā te wāhanga 4, e poua ai Te Tiriti ki roto ki te ao tiaki taiao i Aotearoa.

Ko tētahi atu pūtake o ngā arotake whāiti ko tā te Kāwanatanga rautaki i pānuitia rā i te Hereturikōkā 2019 hei wherawhera i ngā take, i ngā tūtohunga i whakaaranga i roto i tā Te Rōpū Whakamana i Te Tiriti o Waitangi pūrongo i te tau 2011, *Ko Aotearoa Tēnei*. He pūrongo whakahirahira a *Ko Aotearoa Tēnei* i whai rā i tētahi pakirehua whānui rawa a te Rōpū nei. Ko tōna kaupapa he tiroiro whānui i te wāhi ki te ahurea, te tuakiri me te mātauranga tuku iho a te iwi Māori i roto i ngā ture a Aotearoa, i roto hoki i ngā kaupapa here me ngā mahi a te Kāwanatanga. Inā rā ka āta whakaaroarohia e te ūpoko 4 o *Ko Aotearoa Tēnei* ā DOC haepapa e pā ana ki ngā take tiakanga taiao e hāngai ana ki Te Tiriti.

44 *Ngāi Tai ki Tāmaki Tribal Trust ki te Minita Tiaki Taiao* [2018] NZSC 122, [2019] 1 NZLR 368, kei ngā kōwae [76]-[77].

45 *Ngāi Tai ki Tāmaki Tribal Trust ki te Minita Tiaki Taiao* [2018] NZSC 122, [2019] 1 NZLR 368, kei te kōwae [52].

46 Pērā anō i ngā kōrero kei te Āpitiwhanga 1 o te Conservation Act 1987 e takoto ana, e arongia ana ka whakatūturutia te pānga o te wāhanga 4 ki aua ture i roto i te Āpitiwhanga 1 e tētahi whakataunga o mua a te Kōti Pira i roto i te whakawānga *Ngāi Tahu Māori Trust Board ki te Tumuaki Ahurei o te Tiakanga Taiao* [1995] 3 NZLR 553 (CA) kei te 558 me te 560.

I kite Te Rōpū Whakamana i Te Tiriti o Waitangi kāore e whakaahuatia tikatia ngā mātāpono o Te Tiriti i roto i ngā kaupapa here arataki i a DOC i roto i te horopaki o te takohanga i runga i te Karauna ki te whakatutuki i ngā takohanga Tiriti, ahakoa kei roto i te Conservation Act tētahi o ngā takohanga whakature kaha rawa, arā ko te wāhanga 4. Me te aha kāore i tika te whakauruuhanga ki roto ki ā DOC mahi o ia rā. E manatuhia tonutia ana te whakawānga *Ngāi Tai ki Tāmaki*, me ngā whakahokinga kōrero i whiwhi i roto i ā mātou huinga whiriwhiri kōrero, ko te āhua nei kāore anō kia whakapaitia nuitia ngā āhuatanga mai anō i te tau 2011.

He huhua ngā tūtohunga e hāngai ana ki te tiakanga taiao i whakatakotoria e Te Rōpū Whakamana i Te Tiriti o Waitangi ki tāna pūrongo *Ko Aotearoa Tēnei*, tae atu ki te menemanatanga o ngā Kaupapa Here Arowhānui, me ētahi tūtohunga e pā ana ki ēnei kaupapa ⁴⁷

- ko te whaiwāhitanga o ngā iwi, o ngā hapū ki ngā whakataunga tiakanga taiao, me te nōhanga kōtui ki a DOC;
- ko te whakaahuatanga o ngā mātāpono Tiriti i roto i ngā Kaupapa Here Arowhānui;
- ko te whakahaerenga ngātāhitanga o ngā whakamahinga tuku iho (te kohinga, te whaiwāhitanga ki Ngāi Tipu, ki Ngāi Kīrehe hoki);
- ko te mana pupuri o ngā kīrehe e tiakina ana, o ngā kura taonga hoki e mahia ki aua kīrehe; ā,
- ko ngā mahi tauhokohoko i runga i ngā whenua tiaki taiao, me tētahi āhuatanga māmā nei kia noho mātāmua mai ko ā te tangata whenua pānga ki ngā taonga.

Nō mātou, nō te ODG, i whakatakoto i ā mātou tūtohunga, i rangahau whakaaro mātou i ētahi tūtohunga huhua i tā te Taraipūnara pūrongo *Ko Aotearoa Tēnei*. Heoi anō kīhai mātou i tiki atu i ā Te Rōpū Whakamana tūtohunga tokitoki. Ahakoa he paranga huarahi pai a *Ko Aotearoa Tēnei*, kua puta ētahi atu whanaketanga o ngā tikanga whakaaro ture i roto i ngā tau 10 mai anō i te whakaputanga o te pūrongo.

47 Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, Pukapuka 1, kei te 372-373.

Te pou tarāwaho onāiane

Conservation Act 1987

I te puku o ngā tau 1980, i whakahoutia rawatia ngā hanganga e pā ana ki ngā whenua tiakanga taiao o Aotearoa, ā, ka hua ake ko te Conservation Act, me te hanganga o DOC hei kawē i ngā mahi tiaki taiao i kawea rā e ētahi atu hinonga kāwanatanga i mua.⁴⁸

I raro i te Conservation Act, ka riro mā DOC hei whakahaere te National Parks Act 1980, me ētahi atu Ture e 22 e rārangi mai ana i roto i te Whakamārama 1 o te Conservation Act.⁴⁹ Ka whakatū ngā Conservation Act i te pou tarāwaho whakahaerenga mō te whakahaerenga o ngā whenua tūmatanui o Te Papa Atawhai, ngā wai, ngā rawa e kīa nei he taonga tuku iho, ngā rawa taiao, tae atu ki ngā momo koiara e tiakina ana, i roto o Aotearoa. Mai anō i te whakamanatanga o ngā Ture e 25 i raro i te mana o DOC, kua raweketia noatia iho aua ture, ā, kāore he whakaaro ki te whakarerekē i ngā whakaaro, ki te whakahou rānei i ngā whakaaro kaupapa here taketake e noho ana hei tūāpapa.⁵⁰

Inā rā hoki kāore e āta whakapuakina tētahi pūtake i roto i te Conservation Act 1987. Ka tauākī te taitara roa o te Ture he “[a]n Act to promote the conservation of New Zealand’s natural and historic resources, and for the purpose to establish a Department of Conservation.” Ko te whakamārama o te tiakanga taiao i roto i te Ture o te tau 1987 ko tēnei:⁵¹

ko tēnei mea te tiakanga taiao ko te tiakanga, ko te whakahaumarutanga o ngā rauemi māori, ngā rauemi tuku iho kia mau tonu ai ngā uara māori nei; e whakamānawatia tonutia ai, e whakarekarekatia tonutia ai e te marea; me te whakaū hoki ka whai kōwhiringa ngā whakatipuranga e haere mai nei

48 Kei roto i tērā ko te Department of Lands and Survey, Te Uru Rākau, me te Wildlife Service. Tirohia Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011) kei te 298, me Te Rōpū Whakamana i te Tiriti o Waitangi, Te Pūrongo o Te Urewera (Wai 894, 2014) Pukapuka 5 kei te 2255.

49 Tirohia te Kupu Tāpiri 17 i runga nei mō te rārangi o aua ture.

50 Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011), kei te 299.

51 Conservation Act 1987, wāhanga 2.

Ka whakaatu tēnei i te kaupapa Ūropi o ngā tikanga whakauka, o ngā tikanga tiakanga i whakaurua tuatahitia ki Aotearoa i te haurua tuarua i te rautau 19, i tātaritia rā e Te Rōpū Whakamana i Te Tiriti o Waitangi i roto i tāna Pūrongo *Te Urewera*, i whakaaroarohia rā ngā āhuatanga o mua i te whakatūranga o Te Urewera National Park.⁵² Kāore te iwi Māori i te mokemoke i te ao nei i ngā pānga kino o te pēhitanga whakaariki, me ōna tirohanga ‘tauīwi’ o te tiakanga taiao ki ngā tikanga, ngā pānga, ngā uara me te oranga o ngā iwi taketake. Pēnei anō me ngā wheakoranga huri noa i te ao, nā taua hītori, nā aua kaupapa whakaaro i motu ai, i tauwehe ai ngā iwi taketake o ētahi atu whenua i pēhia rā e te whakaariki, i ō rātou whenua, i ō rātou terenga wai. Arā, nā ngā kaupapa here tiakanga taiao me āna pānga kino ki te tangata whenua, ki te taiao hoki, me te aha me tahuri ki huarahi kē, ā, i te whakamutunga iho ka “kōhure i te tikanga tauīwi o te tiakanga taiao”.⁵³ I Aotearoa nei, me noho mai hei whatu mauri mōna ko Te Tiriti me ōna mātāpono.

Kei te wāhanga 6 o te Conservation Act e takoto ana ngā kawenga matua a DOC, pēnei me te whakahaere, te hapahāpai, me te whakatairanga i te tiakanga o ngā rauemi māori me ngā rauemi hītori; te whakaukatanga, te tiakanga o ngā mahinga ika waimāori me ngā nōhanga; te whāriki kōrero tiakanga taiao; te akiaki i ngā mahi rēhia; te tautoko i ngā mahi tāpoi; me te tuku kupu tohutohu ki te Minita mō ngā kaupapa tiakanga taiao. Ka whakatūria e te Conservation Act ngā ohu whakahaere me ngā ohu tohutohu pēnei me te NZCA, ngā ohu tiaki taiao me ngā kaunihera Fish and Game,⁵⁴ e pai ai te whakakanohitanga o ngā pānga ā-motu, pānga ā-rohe hoki. Ka kopoua e te Minita ngā mema o te NZCA me ngā ohu tiaki taiao. 13 rawa ngā mema o te NZCA, he mea tautapa tētahi nā Ngāti Tahu.⁵⁵ Tuia ki tērā, kua oti i ngā whakataunga Tiriti ētahi whakaritenga whāiti kia whakakanohitia te tangata whenua ki ngā ohu tiakanga taiao 10 o ngā ohu 15.

Heoi anō, ko te tika me te pono rā ia he iti kau te kitea o te tangata whenua, ā, he iti ōna whakaaro i whakaurua, he iti tōna mana i roto i te pūnaha tiaki taiao, hāunga rā ētahi whakataunga Tiriti takitahi nei, me te oati i roto i te wāhanga 4 o te Conservation Act, he oati kāore anō kia ea.

52 *Te Rōpū Whakamana i te Tiriti o Waitangi, Pūrongo o Te Urewera* (Wai 898, 2017), Pukapuka 5, Upoko 16 (Te Kapua Pōuri – Te Urewera) me te Pukapuka 7, Upoko 21 (Ka Koingo Tonu Te Iho o te Rohe – Environment and Waterways).

53 Tirohia, hei tauira, a Lara Domínguez rāua ko Colin Luoma, ‘*Decolonising Policy: How Colonial Land and Conservation Ideologies Persist and Perpetuate Indigenous Injustices at the Expense of the Environment*’, *Land* 2020, 9(3), kei te 65.

54 I te wā nei, he 15 ngā poari tiaki taiao huri noa i te motu, ā, me kaua e nuku atu i te 12 ngā mema o tēnā poari, o tēnā poari. Ka kopoua ngā mema i runga i te wheakoranga me te mātau ki te tiaki i te taiao, te pūtaiao taiwhenua māori, te pūtaiao taimoana, me ngā mahi a te rēhia. Me whai whakaaro te Minita ki ngā pānga o te tangata whenua ki te rohe i te kopounga o ngā mema. Nā ngā whakataunga Tiriti i whakaritea ai kia whai wāhi te tangata whenua ki ngā poari tiaki taiao 10.

55 Ka whakaatu te tautapanga o Te Rūnanga o Ngāi Tahu i te nōhanga mai ki roto ki te takiwā o Ngāi Tahu o te nuinga noa atu o ngā whenua tūmatanui e tiakina ana, tae atu ki ētahi whenua rāhui ā-motu e waru.

Ngā Akiakitanga Nuku Kaupapa Māori a Te Papa Atawhai

I te tau 2001, ka oti i a DOC te whakawhanake tētahi rārangi kaupapa here hukihuki hei whakamarohi i tōna āheinga ki te hanga, ki te tautoko i ngā nōhanga kōtui ki te tangata whenua. I tapaina aua kaupapa here hukihuki ko *Ngā Akiakitanga Nuku Kaupapa Māori a Te Papa Atawhai (Ngā Akiakitanga)*, ā, e whā rawa ngā pepa kaupapa here i whai wāhi:⁵⁶

- E Mana ai ngā Mātāpono o te Tiriti o Waitangi i roto i ngā mahi a Te Papa Atawhai: Kuputohu Kaupapa Here;
- Kuputohu Kaupapa Here Wāhi Tapu;
- Te Whakamahinga Tuku Iho o ngā Rākau, ngā Kararehe me ngā Rawa Tuku Iho Taketake: Kuputohu Kaupapa Here: ā,
- Te Kete Taonga Whakakotahi, he kohinga whakarawe mō ngā nōhanga kōtui tiaki taiao.⁵⁷

I whakaritea ngā kape whakamutunga o *Ngā Akiakitanga* i muri mai i ngā huinga akoako i te taha o te tangata whenua, o ngā kaiwhaipānga matua hoki, ā, nāna i whāngai te whanaketanga o te putanga tuatahi o ngā Kaupapa Here Arowhānui. Heoi anō, kāore rawa *Ngā Akiakitanga* i whakamanatia ōkawatia, ā, e 20 tau e noho mokemoke ana. Ahakoa te tawhito, ka wherawherahia e ngā pepa o roto i *Ngā Akiakitanga* ētahi o ngā take matua huhua i roto i ngā arotake whāiti, ā, i āta whakaaroarohia e te ODG i te roanga ake o te hātepe arotake whāiti.

Kaupapa Here Arowhānui

I hangaia te Kaupapa Here Arowhānui Tiakanga Taiao me te Kaupapa Here mō ngā Whenua Rāhui ā-Motu i te tau 2005, engari he mea matapaki te putanga o ētahi kaupapa here pēnei mai anō i te whakamanatanga o te Conservation Act i te tau 1987. Ka whakatakoto ngā Kaupapa Here Arowhānui i te whakakitenga, i te aronga hoki mō te āhua o tā DOC whakatutuki i āna haepapa i raro i ngā ture tiakanga taiao, tae atu ki ēnei o ā DOC mahi:

- ko te mahi tahi ki te tangata whenua, ki te hāpori whānui hoki, tae atu ki te whakariterite o te pānga atu o te marea ki ētahi wāhi, me ngā mahi rēhia i reira hoki;
- ko te tautuhi i ngā take, i ngā huarahi hoki e pā ana ki ngā uara tiakanga taiao, me te whakatairanga i ngā mahi tiaki taiao hei kaupapa nui ki te motu, ki ngā rohe hoki;

56 *Ngā Akiakitanga Nuku Kaupapa Māori ā Te Papa Atawhai (Kaupapa Māori Strategic Policy Initiatives)* (Te Papa Atawhai, Pepuere 2001).

57 Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011) Pukapuka 1 kei te 328-329: Ko *Kete* tētahi tuhinga arataki, ko takune ia he āwhina i ngā kaimahi ki te waihanga hononga, ehara i te tuhinga kaupapa here ōkawa kē me whai rawa ka tika. Ko tā te Kete he whakaahua i tētahi 'raupapatanga hononga', e rārangi mai ai te whakamōhiotanga, te akoakoranga tae atu ki te whai wāhi ki ngā mahi whakatau kaupapa, tae rawa atu ki te tukunga o te mana me te whakawhitinga mana pupuri. Ka whakaahuatia ngā 'ariā hononga' anō e rima rawa ngā āhuatanga e kapi ana: ko te hanganga hononga; ko te whai wāhi ki ngā hātepe akoako; ko te whai wāhi ki ngā mahi whakatau kaupapa; ko te tukunga o te mana whakatau; me te mahi tahi i ngā mahi tiaki taiao ā-ringaringa nei.

- ko te whakatakoto i ngā whāinga, ngā kaupapa here, ngā putanga me ngā pae o te tiakanga taiao mō ētahi wāhi tonu;
- ko te whakaaroaro i ngā tono mō ngā whakaritetanga me ngā whakaaetanga (me ētahi atu whakatau e pā ana ki te whakaaetanga o ētahi mahi); ā,
- ko te whakatau i te momo o te whenua mō ētahi take tiakanga taiao.

Mā te Minita te Kaupapa Here Arowhānui Tiakanga Taiao e whakamana, ā, kei roto ko te kaupapa here kotahi hei whakatinana i ētahi ture e ono: ko te Conservation Act 1987; ko te Wildlife Act 1953; ko te Marine Reserves Act 1971; ko te Reserves Act 1977; ko te Wild Animal Control Act 1977; me te Marine Mammals Protection Act 1978. Ko tāna mahi he arataki i te whakahaerenga o ngā whenua, ngā wai, ngā rauemi māori me ngā rauemi hītori katoa e whakahaeretia ana i raro i te mana o ngā Ture i runga nei (hāunga ngā whenua rāhui e whakahaeretia ana e ētahi atu hinonga i raro i te mana o te Reserves Act 1977). Ka noho tēnei ki runga ake, ā, ka arataki hoki i ngā rautaki whakahaere tiakanga taiao, ngā mahere whakahaere tiakanga taiao, me ngā mahere whakahaere hīnga ika rēhia.

Ka whakaaetia e te NZCA te General Policy for Rāhui ā-Motu, ā, ka whakatinana te kaupapa here nei i te National Parks Act 1980. Ka arataki hoki te mea nei i ngā mahi whakahaere o ngā whenua rāhui ā-motu huri noa i te motu, mā roto i ngā rautaki whakahaere tiakanga taiao me ngā mahere whakahaere whenua rāhui ā-motu.

He tata tonu te piringa o ēnei Kaupapa Here Arowhānui e rua, nā te mea e whakahaeretia tahitia ana e DOC, he rite ngā paenga whenua i waenga i ngā whenua rāhui ā-motu me ētahi atu whenua tūmatanui o DOC me ngā wairere, ā, ka whakawhitiwhiti ētahi momo koira i tētahi taha ki tētahi taha o aua paenga ahakoa te āhua o te whenua. Nō reira e pā atu ana ngā Kaupapa Here Arowhānui ki ētahi o aua kaupapa anō kia pāhekoheko ai, kia mārama ai ngā mahi whakahaere. Inā rā ko tētahi tāruatanga o te Ūpoko 2 i roto i ngā Kaupapa Here Arowhānui e rua, ko “ngā herenga Tiriti o Waitangi” te ingoa, ā, ka arataki anō i te āhua o tā DOC whakatinana i ngā mātāpono o Te Tiriti.

Ko ngā mātāpono o te wā nei e tautuhia ana i roto o te Ūpoko 2 ko ēnei anake:

- te mātāpono o te kāwanatanga;
- te mātāpono o te whakahaerenga o āna ake kaupapa;
- te mātāpono o te tauritenga;
- te mātāpono o te mahinga tahitanga e taea kautia ana; ā,
- te mātāpono o te puretumu.

Kei roto tēnei rārangi mātāpono Tiriti i te whakaputanga a te Kāwanatanga i te tau 1989, ko “Principles for Crown Action of the Treaty of Waitangi.” Ka kī te kuputaka o roto i ngā Kaupapa Here Arowhānui, me te hē hoki o taua kī hei tā te ODG, ko te tikanga o te kupu “Principles of the Treaty of Waitangi” ko tēnei, arā “The principles of the Treaty of Waitangi identified from time to time by the Government”. Engari kē ia ehara mā te Karauna ngā mātāpono o Te Tiriti hei whakataua, hei tautuhi rānei, engari ka ara ake i te āta whakaaroarohanga, te āta whakapuakanga o ngā mātāpono a ngā Kōti, a Te Rōpū Whakamana i Te Tiriti o Waitangi anō hoki, ā, e whanake tonu atu ana, he kawenata mauri ora nō Te Tiriti.

Ngā Whakataunga Tiriti

Kua nuku atu i te 25 tau te Karauna me te tangata whenua e whiriwhiri tahi ana i te hātepe nei, te whakataunga i ngā kerēme Tiriti me ngā nawe hoki. I te 30 o Pipiri 2021, e 94 ngā whakataunga Tiriti i oti rā te whiriwhiri (e 81 i whakamanatia rā te ture whakataunga, 13 i waitohua ra te whakaaetanga whakataunga). Waihoki kei roto i te nuinga ko te puretumu tiakanga taiao, ā, he 30 atu ngā whakataunga hei whakatutuki (e 21 e whiriwhiria tonutia ana i te rā nei, ā, ko ētahi atu katoa e whai whakaaetanga whakamanatanga noa iho rānei, kāore anō kia tīmata ngā whiriwhiringa kōrero rānei).⁵⁸

He wāhanga nunui te puretumu tiakanga taiao o te puretumu whakataunga Tiriti mo ngā iwi, mō ngā hapū (ā, ko ngā tikanga tiaki taiao me te tukunga o ētahi whenua tiaki te momo puretumu e tukuna nuitia rawa ana), ā, ka noho mai hei wāhanga nunui o te huarahi e mahia ai ngā mahi tiaki taiao i Aotearoa. Heoi anō, he nui te wehenga o te āhua, o te mātotoru hoki o ngā puretumu tiakanga taiao e waenga i ngā whakataunga Tiriti katoa, me te aha ka hua ake ētahi atu taumahatanga, ētahi atu korenga e ōrite ā te wā.

Taea noatia tēnei rā, ko ētahi o ngā haepapa a te DOC i raro i ngā kete puretumu ahurea ko ēnei whakarawe e hāngai ana ki te tiakanga taiao:

- **Te whakahokinga o te mana pupuri i ngā whenua tūmatanui o DOC**, te pāngia nuitia nei e tētahi rārangi o ngā tikanga tiakanga taiao, ā, kei te āhua o ōna uara tiakanga taiao (hei tauira he tautapanga hei whenua rāhui, he kawenata tiaki taiao rānei). Me onge hoki ka whakahokia herekoretia te whenua. I te Hereturikōkā 2018 (koinei te rā whakamutunga i wātea mai ai ngā whika ki te ODG), kua nuku atu i te 720 ngā wāhi i whakahoki ki ngā iwi Māori. Hui katoa, ko tōna 39,000 heketea e whakaaturia ana ki te kauwhata i raro nei, ā, e 32,000 heketea i whakawhitia ā-arohatia nei ki ngā iwi, kātahi ka ‘takohaina anō’ ki te Karauna.

58 Te Arawhiti, Te Kāhui Whakatau (Whakataunga Tiriti) Pūrongo Kokenga 12 Marama, 1 Hurae 2020 – 30 Hune 2021.

Ngā whenua i whakahokia ki ngā iwi mā te whakataunga	38,252.51 heketea
Ngā whenua i whakahokia ki ngā iwi, kātahi ka ‘takohaina anō’ ki te Karauna	32,375.49 heketea
Ngā whenua i whakahokia tahitia ki ētahi iwi	556.03 heketea

Heoi anō, he rerekē rawa atu ēnei whika i te rahi o te whenua i puritia rā, i whakahaeretia rā e te tangata whenua i te takiwā o te tau 1840, arā, e nuku atu ana i te 26 miriona heketea (arā te nuinga o Aotearoa). I muri mai ka ngaro te 95 ōrau o aua whenua nā runga i te murunga, ngā hokonga tūmataiti, ngā hokonga a te Karauna, me ngā mahi a te Kōti Whenua Māori, me te aha kua whakatauria e Te Rōpū Whakamana i Te Tiriti o Waitangi he wāwāhanga ētahi o aua mahi huhua i ngā mātāpono o Te Tiriti.

- **Te whakapakaritanga o te whai wāhi ki te whakahaerenga tahitanga o ngā whenua tiaki,** i ētahi wāhi whāiti rānei, puta noa i te rohe rānei.

He ūpoko o te Conservation Management Strategy (CMS) i tuhia ngātahitia	E 7 whakataunga
Whakaaetanga o te Conservation Management Plan (CMP)	E 6 whakataunga
He Komiti/Ohu ā-Ture e noho tahi ai Te Papa Atawhai me ngā Iwi	Kotahi te ohu kāwanatanga/whakahaerenga – Te Urewera Kotahi te Poari Tiaki Taiao – Te Hiku E 7 ngā komiti/ohu mō runga whenua tūmatanui e tiakina ana/whenua nō ngā iwi e tiakina ana E 3 ngā rōpū hinonga-rau e whai wāhi ai a DOC

- **He whakarawe ā-ture hei whakamānawa i ngā uara a ngā iwi,** e hangai ana ki ngā whenua o te Karauna e whakahaeretia ana e DOC.

Ngā tautapanga o runga i te whenua⁵⁹	101 i roto i ngā whakataunga e 35
Ngā whakamānawatanga ā-ture⁶⁰	E 889 i roto i ngā whakataunga e 56
Whakaaetanga Whakamānawatanga⁶¹	E 479 i roto i ngā whakataunga e 46

- Ngā tuhinga hononga, i te nuinga o te wā he tikanga, he kawenata, he whakaaetanga hononga rānei ki te Minita me te Tumuaki Ahurei, e tū ai te pou tarāwaho mō te toronga ki ngā iwi ā muri nei: e 62 ngā whakataunga (kei roto hoki ko ngā ritenga haonga tuku iho, i ētahi wāhi torutoru⁶²).

Ināia tata nei, kua hua ake i ngā whakataunga Tiriti ko te tautapanga ā-ture hou o ētahi rohe, o ētahi rauemi māori rānei hei hinonga ā-ture, hei tangata ā-ture rānei me ō rātou ake mana. Taea noatia tēnei rā, ko ēnei: Te Urewera (he whenua rāhui ā-motu i mua) me Te Awa Tupua (arā ko te roanga ake o te awa o Whanganui me ōna hikuawa, tae atu ki aua wāhanga o roto i ngā whenua tiakanga taiao).⁶³ Heoi anō, kei ngā wāhanga whiriwhiringa kōrero whakamutunga i waenga i te Karauna me Ngā Iwi o Taranaki tētahi tautapanga hou pēnei o Taranaki maunga hei tangata ā-ture, ā, ka whai wāhi hoki ko te Whenua rāhui ā-motu o te wā nei, arā o Taranaki/Egmont.⁶⁴

E mārama ana te kitea, ko te āhua nei he tautauāmoa te tukutukunga puretumu tiakanga taiao i waenga i ngā whakataunga Tiriti, ā, e takea ana i te tōpūtanga o ētahi hinonga, o ētahi atu āhuetanga hoki i te wā o te whakataunga a tēnā rōpū, a tēnā rōpū. Ko ētahi ko ngā kaupapa matua e panoni nei (ā te rōpū whakataunga, ā te Karauna hoki); ngā āhuetanga tōrangapū o te wā; te hītori o te rōpū whakatau me ngā whakaaro ki te nui, ki te taumaha rānei o ā rātou nawe; tae atu ki te āhua o tēnā kaiwhiriwhiri, o tēnā kaiwhiriwhiri, me te mātau/wheakoranga hoki.

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- 59 Ko te mahi whānui a ngā kahu whakarōpū he whakamana i ngā tauākī uara a ngā iwi, he whakarite mātāpono tiakanga hei āta whai mā DOC me te NZCA, me te arataki hoki i ngā mahi me mahi rawa e te Tumuaki Ahurei ki taua wāhi.
- 60 He rite tonu te tūhono o ngā whakaaetanga ā-ture ki ngā tauākī hiranga a ngā iwi, te whakapakari hoki i te āheinga o tētahi iwi kia whai wāhi ai ki ētahi hātepe whāiti o te Resource Management Act 1991 me te Heritage New Zealand Pouhere Taonga Act 2014.
- 61 Ko te āhua whānui o te whakaaetanga whakamanatanga, e rite ana te tūhonohono ki ngā tauākī hiranga a ngā iwi, ko tētahi whakaaetanga a te Minita Tiaki Taiao i ngā pānga ahurea a tētahi iwi ki tētahi wāhi, ki tētahi takiwā rānei, ā, me tētahi whakaaetanga ki te akoako, ki te whai whakaaro hoki ki ngā whakaaro o tētahi iwi e pā ana ki ngā take e hāngai ki taua wāhi, ki taua takiwā rānei.
- 62 Hei taurira, he ritenga tōna mō tētahi mahere hauhakenga tupu tuku iho i roto i ngā takiwā e tiakina ā-taiao ana i roto i te wāhanga 63 o te Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.
- 63 Te Urewera Act 2014, wāhanga 11-13; Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, wāhanga 12 me te wāhanga 14.
- 64 *Te Anga Pūtakerongo*, Record of Understanding between the Crown and Ngā Iwi o Taranaki, i te rā 20 o Tihema 2017, rārangi 5.2.

I roto i te takanga o te wā, kua whakawhanaketia, kua whakawhānuitia nuitia hoki ngā whakarawe puretumu tiakanga taiao, ā, kāore ō te 1995 Waikato Raupatu Lands Settlement tuatahi ‘puretumu ahurea’ e kīia mai nei. Me te aha, kāore i whakaurua ki ētahi o ngā whakataunga Tiriti tuatahi ngā momo puretumu hononga (pēnei me te whakataunga ki runga i te rauemi māori te mana tangata ā-ture, te pānga rānei ōna i ngā whakaritenga kāwanatanga tahitanga, ngā whakaritenga whakahaerenga tahitanga rānei) i whakawhiwhia ki ētahi rōpū i muri mai.

I reira, e whakaaro ana te ODG e whakaahua ana ngā whakataunga Tiriti i tētahi tūnga i āta whiriwhiria e pai ai te noho mai hei tīmatanga, hei tūāpapa mō tētahi whakahoanga Tiriti, ā, me kua rawa e tahuri atu i te tūnga nei hei mātāpono taketake. Heoi anō, me kua e pōhēhētia ngā puretumu whakataunga Tiriti e pā ana ki te tiakanga taiao he whakapuakanga e kapi ai ngā āhuatanga katoa o te hononga, tae atu ki ngā tikanga me ngā takohanga e hāngai ana, i waenga i te Karauna, ngā iwi me ngā hapū i raro i Te Tiriti (pērā anō i te whakahaerenga a ngā iwi i muri i te whakataunga e kore nei e pōhēhētia he kapohanga o ngā tikanga tuku iho, ngā pānga tuku iho, me te mana tuku iho o ngā hapū me ngā marae o roto i tētahi iwi). Ka toro ki tua noa atu o ngā ritenga o tētahi whakataunga Tiriti ko taua hononga, aua tikanga me aua pānga i raro i Te Tiriti. Me kore ake i taua āhuatanga, ko te korenga o ō te Karauna takohanga i raro i Te Tiriti e whakakōhatutia i tētahi rangi, i tētahi tuinga kotahi nei rānei. Engari kē ia ka noho mai ngā whakataunga hei tūāpapa hei whakarewanga ake, ā, me whanake tonu, me tupu tonu te hononga i waenga i te tangata whenua me te Karauna i raro i Te Tiriti, e ai ki ngā mātāpono o Te Tiriti.

He hononga mauri ora tēnei mea, Te Tiriti, ā, he takohanga ā-ture ō DOC hei whakamana i ngā mātāpono o Te Tiriti ahakoa kua oti tētahi whakataunga Tiriti ōkawa te whakarite, kāore rānei. Me te aha me mārama, me taurite, me riterite hoki te āhua o tā DOC whakamana i ngā mātāpono o Te Tiriti huri noa i te motu, me te tuku anō kia whakaaetia ētahi hononga matarau, ētahi whakaaetanga hoki i waenga i te Karauna, ngā iwi me ngā hapū ki tēnā rohe, ki tēnā rohe, mā roto i ngā whakataunga Tiriti, mā roto hoki i te whakatinanatanga, te whakamanatanga tonutanga o ngā tikanga, ngā kawa me ngā mātauranga e kīia taurangitia nei i raro i Te Tiriti.

Ngā take whakarae o te pou tarāwaho

E mau ana i te Conservation Act tētahi o ngā herenga whakature rīrā kia mana mai i te Karauna ōna takohanga ki Te Tiriti. Heoi anō, e ai ki tā te Kōti me tā Te Rōpū Whakamana i Te Tiriti o Waitangi tautuhi, kua kitea kāore e pai te whakaahuatanga o ngā mātāpono o Te Tiriti i roto i ngā kaupapa here ārahi a DOC. Ka mutu ko te kore anō e pai o te urunga ki roto i ngā mahi o ia rā a DOC.⁶⁵

E mārama ana ki Te Rōpū Whakamana i Te Tiriti o Waitangi:⁶⁶

65 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011), Pukapuka 1 kei 372.

66 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011) Pukapuka 1 kei 300.

Nā te mea kei a DOC te mana whakaae kia pā, kia hono atu rānei ki ēnei taonga, kei waenga o te Māori me tā rātou whakatinana i te kaitiakitanga. Arā te tikanga, kei a rātou te mana o te hononga i waenga i te Māori me ōna wāhi me ōna momo i takea mai ai i reira tōna ahurea. Ahakoa e whakaturehia ana a DOC kia mana i a ia ēnei mātāpono o Te Tiriti, e ai ki nuinga o te Māori he ārai kē tāna i ngā painga o ngā hua mōtika o te atikara 2.

I 2001, i whakaritea e DOC tētahi tuinga poto e whakarāpopoto ana i ngā whakaaro o te tangata whenua i whakaemitia e ia o ngā tau tuangahuru ka hori.

- **Ngā kerēme Tiriti:** He whāinga matua mō te tangata whenua ngā whakatau o ngā kerēme Tiriti.
- **Wāhanga 4:** Me mātua whakatutuki i a DOC te wāhanga 4 o te Conservation Act. He mea nui hoki kia ahurei te noho a te tangata whenua hei hoa kōtui pono o Te Tiriti, ka mutu, e wātea ana ki te whakatinana i te rangatiratanga me te kaitiakitanga i roto i ngā tukanga whakahaere tiaki taiao.
- **Nōhanga Kōtui:** Ki te tangata whenua, ko te tikanga o te Hoa Kōtui me DOC me whai wāhi nui, me ōrite rānei te mahi whakatau, te whakamahere kaupapa here whakahaere tiaki taiao me ngā tukanga whakaputa.
- **Whai wāhitanga ki ngā whakahaere:** e whai ana te tangata whenua kia piki ake tōna whai wāhi ki ngā āhuatanga katoa o te tiaki taiao me ngā whakahaere taonga tuku iho, ā, mō tēnei kawenga me tika hoki te tautokona ki te rawa.
- **Whakawhitiwhiti kōrero:** Kāore anō i tino ea i a DOC ngā hiahia whakawhitiwhiti kōrero. Kāore e āta uia ana te tangata whenua kia whai wāhi i te kunenga mai o te mahi, he whāiti noa te tāpuinga wā ki te whakawhitiwhiti kōrero, ka mutu, e kore e whaitake te te urunga i te korenga o te rauemi.
- **Whakahaere:** Me nui ake te whakahaere whaitake a te tangata whenua me ngā pūnaha tohutohu o roto, haere tahi rānei me DOC kia whai kupu ai ngā take tangata whenua, kia taea hoki e rātou te hautūtanga me te whai wāhitanga ki ngā kaupapa here tiaki taiao. Me tautoko ki te rauemi, me noho haepapa ki te iwi.
- **Ritenga Māori:** e tika ana me whai wāhi te tangata whenua ki āna ritenga Māori i te taiao, ki ngā momo taketake, ā, e hiahia ana kia nui ake te mana whakahaere ki te uru atu, ki te tiaki, ki te mahi me te whakahaumanu.
- **Taonga tuku iho me ngā wāhi tapu:** E popore ana te tangata whenua kia riro mā rātou ā rātou ake taonga, me ngā mea tuku iho e tiaki, e whakahaere i te taha o tētahi umanga Māori taonga tuku iho e whakarite ana i te hautūtanga me te kaupapa here i waenga i te iwi, te hapū me te whānau nō rātou te haepapa o ia rā mō te whakahaumaru.
- **Mātauranga tangata whenua:** Kia whakautetia, kia maiohatia te mātauranga o te tangata whenua hei takoha tūturu ki te whakahaere tiaki taiao.

- **Te māramatanga me te waiaro a DOC:** Nā te kūare me te waiaro o ētahi kaimahi o DOC nō rātou te mana oti atu, ka kitea te uaua o te whakatītina hononga i waenga i DOC me ngā iwi, te whaitake o te whakawhitiwhiti kōrero me te whai wāhitanga o te Māori ki ngā whakahaere tiaki taiao.

Ko ngā kōrero kei runga nei e āhua rite ana ki ngā take e kōkiritia ana e ngā kaikerēme i te pūrongo Ko Aotearoa Tēnei, ki te māramatanga me te mōhiotanga o ngā mema o ODG, ā, ki ngā urupare a te tangata whenua i whakaemitia e ODG i tāna anō hui me rātou.

He kaha te arotahitia o te Conservation Act ki ngā take mana pupuri me te mana whakahaere. He whāiti noa tōna arotahi ki te iho o te whakaaro mō te tiaki taiao. Ko te whakatūpatō i konei mō taua aronga o te tiaki taiao, kua kīia ake nei, i takea mai i ngā uara me ngā tirohanga o Ūropi, nā konā taua tirohanga tiakanga, haumaruru rānei mō te tiaki taiao. Ko tā te tangata whenua matatika mō te tiaki taiao, te kaitiakitanga, te mahi i runga i te toitūtanga, me te tino rangatiratanga te taha ki ngā taonga o te taiao e mana ana i raro i Te Tiriti, kāore anō i whai wāhi. Kāore kau ana he whakapuakanga i ngā Conservation Act o te tikanga, o ngā ariā o te mātauranga, ā, nā te pēnā, kāore hoki te tangata whenua e kite i rātou anō hei hoa kōtui i te pūnaha tiaki taiao.

Me te aha anō, kei tua o te whakaea ka puta i ngā whakaūnga whakataua a Te Tiriti, kāore te pūnaha tiaki taiao e tūtohu ana, e aro ana rānei ki te hītorua o te aupēhitanga a tauwiwi me ngā hē o te Karauna ki Te Tiriti, arā ia, i te ngau kino a ngā Conservation Act, a ngā kaupapa here me ngā whakahaeretanga i aupēhitia ai te tangata whenua. Pēnei i te rironga o ō rātou whenua, o te wai, o te rawa me te taonga, me te motukia o te matemate ā-one ki te whenua. Nā konā anō i ngaro ai te ahurea, te tuakiri me te mauri ora. Me whakaoreore kia tika ai, kia hāngai ki ngā mātāpono me ngā takohanga o Te Tiriti, kia mārama te kitea kua eke te wā ki te panoni pūnaha hei haumanu, ā, hei whakatinana i te rangatiratanga me te kaitiakitanga ki ā rātou taonga i te taiao.

Ko ngā tukitukinga ake i waenga o ngā takohanga o te Karauna ki Te Tiriti me te Conservation Act (me te whānuitanga atu o te kaupapa here tiaki taiao me ōna ritenga) e kōrerotia ana i roto i ngā tāhū kōrero o tēnei Pūrongo, ā, e uruparetia ana i te rārangi o ngā tūtohunga a te ODG. E whai ake nei he tauira anake e whakatauiria ana i te āhua me te whānui o ēnā tukitukinga:

- ko ngā whakataua ā-ture, ina kāore i raro i te ture whakataua take a Te Tiriti, kāore e taea te tuku mana, te tuku mana whakahaere rānei ki te tangata whenua, ā, he mea here te whakahaere ngātahi moroki noa ki ngā komiti 'tohotohu', ki ngā komiti mātāmuri rānei o te Poari Tiaki Taiao kua whāiti nei tāna tohotohu ki ngā whakataua o te whakahaere me te kāwanatanga anake;
- ko ngā hātepe ture mō te whakamōhio, te arotake me te whakamana tuhinga mahere whakahaere ā-ture, kāore e āta tautohu ana i te whai wāhi mai a te tangata whenua hei hoa Tiriti kōtui ōrite me DOC;
- he rangiwhāwhā te mana pupuri a te Karauna i ngā whenua me ngā ara wai tiaki taiao, i ngā momo taketake me ngā kararehe o te moana. Ka mutu, ko tāna pupuri i ngā momo taketake me ngā kararehe moana kāore i runga whenua tiaki taiao, wai rānei, ā, i muri rānei o te matenga, te hauhaketa, rānei e ngoto tonu ana;

- kāore ngā kōmakatanga tiaki taiao mō te whenua me te wai e whakaahua ana i ngā pānga me ngā uara o te tangata whenua (hei tauira ake, te kōmakatanga whenua rāhui ā-motu – e matapakihia ana i te wāhanga whaimuri o tēnei Pūrongo – kei te nui haere tōna whakarerekē i roto i ngā whakaūnga whakatau a Te Tiriti);
- ko te uru, te whakamahi me te mau atu ā-ritenga, ā-ahurea rānei, e mātua herengia ana e te ture mō te take e puritia ai te whenua me te wai, me te waiaro kaiponu ki te mana; ā
- he kongakonga noa iho te whai wāhi a te tangata whenua ki te whakamarohi me te whakamana i ngā punanga takutai me ngā whakamarutanga kararehe moana, ā, he tūāporo i waenga o ngā pūnaha haumaruru takutai me ngā ritenga hī ika me te pānga.

Huri noa i te hui whakawhitiwhiti kōrero, he mea kōrero ki te ODG he wawata ā-rohe nō DOC me te tangata whenua ki te mahi tahi, te noho hoa kōtui me te whakatau ngātahi, ā, kia whaimōhiotanga tika te tangata whenua kia taea ai te whiriwhiri me te whakatau. Engari e whakakōroiroitia ana ēnei wawata e te ture, e ngā pūnaha me ngā whāinga mātāmua, tōna tikanga, o te motu.

Mō te wāhi ki ngā Kaupapa Here Arowhānui, ko tētahi o ngā take nui ko te whānui o te mana whiriwhiri e tukua ana ki te hunga whakatau a te Karauna e pā ana ki te māramatanga me te whakatinanatanga o ngā mōtika me ngā pānga o te tangata whenua. I pēnei ai nā te hanganga o tētahi reo ngākau whiriwhiri pēnei i te kupu “may”. He pai kē te whakamahi kupu whakature pēnei i te “must” kia pai ake ai te whakaahua i te hiranga o ngā takohanga i te wāhanga 4 e ai ki te ture mō Te Tiriti. Nā runga i tēnā, e whakaae mārire ana te ODG ki ngā whakahē a Te Rōpū Whakamana i Te Tiriti o Waitangi mō ngā Kaupapa Here Whānui e whakapuakina ana i *Ko Aotearoa Tēnei*:⁶⁷

Ko ngā whakarawe kaupapa here mātāmua e hāngai ana ki te whakamāramatanga a DOC ki ngā mātāpono o Te Tiriti... [kāore e] tika te whakapuakitia o aua mātāpono kia mārāma tonu ki tā ngā kōti e hiahia ai. Ko tāna ia he whakapuaki i tētahi kāhui mātāpono o Te Tiriti me te tauākī, he tukuru rānei i te tauākī o aua mātāpono, katoa e titia ana ki ngā hiahia o te Rōpū Whakahaere. E matapaetia ana, e mārāma ana hoki pea. Ka timata ake ki te tauākī o ngā mātāpono e rima i horahia e te Kāwanatanga Reipa i ngā tau 20 neke atu... Ko ēnei mātāpono (e pono ana te whakapae) kāore e mau ana i te mātāpono matua o te nōhanga kōtui Tiriti i whakapuakina e te Kōti Pira i te kēhi Lands, ā, i rite tonu te whakaungia e Te Rōpū Whakamana i Te Tiriti o Waitangi. Ka whakawhāiti rātou i te oati o te tino rangatiratanga ki tētahi mātāpono o te ‘whakahaere i a rātou anō’. Ko ā muri nawe kua taha noa atu mai i taua whakamātauranga tuatahi a te rōpū whakahaere ki te whakamakiki i tana tū mō ngā mātāpono Tiriti, ā, kua tupuria noatia te rārangi o 1989 e ngā takunetanga.

67 Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011) Pukapuka 1 kei 322-323.

E pēnei noa ana, he mea whakature te pūnaha tiaki taiiao kāore anō kia hōhonu te arotake mō ngā tau neke atu i te 30 (ko ngā Whenua Rāhui ā-Motu ia, neke noa i te 40 tau). He whīwhiwhi, he nakunaku te poutarāwaho whakature mō te tiaki taiiao (e whakamōreatia ana ngā Ture e 24, he tāruarua, he īnakinaki, i ētahi wā e taupatupatu ana), ka mutu, kāore e whakaahua ana i te ture o te wā, te tōrangapū me ngā waiaro ki Te Tiriti. Ko taua ngoikoretanga ia o te ture ka whakaaturia i ngā whaitua kaupapa here me tōna ahunga, ka mutu he nonoke te aro ki te nāiane me te whaitake tonu. Kāore hoki e tino mana mai i a ia ngā mātāpono o Te Tiriti. Inā ia te tauira e whakamāramatia ana i ngā Whakaūpoko 2 o Ngā Kaupapa Here Whānui, he tawhito te whakapuakitanga o ngā mātāpono o Te Tiriti me tōna whakatinanatanga. Pēnei i te whakature ake, me mātua arotake, me mātua whakahou.

Ngā Whenua Rāhui ā-Motu

E ai te kōrero ko ngā Whenua Rāhui ā-Motu ngā papa pounamu o ngā rawa tiaki taiao. Me te aha, he whakaahua tēnei i tā rātou matatika tiakanga whakauka.⁶⁸ I whakatūngia ai te whenua rāhui ā-motu tuatahi o Aotearoa i 1887, ā, i te toru tekau tau i muri mai, i pēnā anō te whakatūngia e rātou o ētahi atu whenua rāhui.

He mea tautuhi e te National Parks Act 1952 ko tēnei mea te whenua rāhui ā-motu “he rohe o Aotearoa he tirohanga/whakaariari ahurei ōna, he rawa taiao ōna, he pērā rawa tōna ātaahua rirerire, tōna ahurei rānei, kei te manako o te motu tōna tiakanga whakauka”.⁶⁹ Ka whakapuaki anō te Ture 1952 ko tēnei mea te whenua rāhui ā-motu “me kaha rawa te pupuri whakauka kia horomata tonu ai tōna āhua.”⁷⁰ I raro i te Ture he takahi ture ki te mau pokanoa i tētahi wāhanga o tētahi rākau taiao, te raweke rānei i tētahi kararehe kāore kau he mana whakaae.⁷¹

Ko tā te National Parks Act 1980 kāore i ārikarika tana tāruarua i ngā take me ngā mātāpono o te Ture 1952. Nā reira, hāunga ia te tāpiri atu o te takohanga Tiriti i 1987,⁷² kāore anō i paku rerekē i roto i ngā tau e 70 te tūāpapa o te National Parks Act.

I pēnei te whakarāpoto a te Rōpū Whakamana i Te Tiriti o Waitangi i te pānga o te Whenua Rāhui ā-Motu:⁷³

Ko te aukatingia o ngā iwi Taketake te putanga o te whakaaro mau tonu ki ngā horanuku ‘tāukiuki’, ahakoa te ahikā roa o aua iwi ki ērā whenua mō te hia nei whakaturanga [pēnei me] Te Urewera i whakatūngia ai i 1954 i waenga noa o ngā haporī Māori. Ko tā te mahere whakahaere 1976 mō te Whenua Rāhui ā-Motu o Te Urewera, tāna kī, he whakatairanga nōna i te tiakanga whakauka me te aukatinga o te ahurea Māori, me te kaha kī anō ‘ko te ‘pupuri whakauka o te āhua mohoa me te whakahaumarū o te hauropi’ te ‘whāinga whakahaere mātāmua’ a te Karauna.

68 Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Urewera Report* (Wai 894, 2014), Pukapuka 5 kei 2060.

69 National Parks Act 1952, wāhanga 3(1).

70 National Parks Act 1952, wāhanga 3(2)(a) me (b).

71 National Parks Act 1952, wāhanga 54.

72 Mā wāhanga 4 me Te Āpitiwhanga 1 o te Conservation Act 1987.

73 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011), Pukapuka 1 kei 363. Mō tētahi kōrero hōhonu mō te whanaketanga o te ahunga tiakanga ki te tiaki taiao i Aotearoa, otirā te horopakī, te whakatūngia me te pānga o te Urewera National Park, tirohia Te Rōpū Whakamana i Te Tiriti o Waitangi, *Te Urewera Report* (Wai 894, 2014) Pukapuka 5, Whakaūpoko 16: Te Kapua Pouri – Te Urewera National Park, kei 2025-2365.

Ko te hangarekatanga o tēnei ahunga, ki te tirohanga a te kaikerēme, ko te pānga kē ia o te kaitiaki te mea hira e pā ana ki ngā whenua rāhui ā-motu. I kōrerotia kētia i mua, kei ngā rawa tiaki taiao te tini noa atu o ngā momo taonga mahue o ngā tipu me ngā kīrehe, me te maha noa o ngā horanuku whenua me ngā wāhi e whaipānga ana ki ngā kaitiaki. He tairanga ake aua pānga ki ngā whenua rāhui ā-motu kei reira he nui ake te makurutanga o ngā momo taonga, ā, kei reira hoki ngā tūtohu whenua ahurei pēnei i ngā maunga, ngā roto me ngā awa. Nā reira ko te taututetute i waenga o te ahunga kaitiakitanga me te tiakanga ka eke pea ki tōna aneanetanga e pā ana ki ngā whenua rāhui ā-motu.

Kua aua atu te wā e kōpakina ana e ngā rangatira tangata whenua ko te whāinga haumarua tiaki taiao “he taraweti ki ngā ritenga me ngā uara o mua mō te whakamahi”, ā, i kite hoki “kei raro i te mana whakahaere o te Karauna te hononga ā-wairua o te iwi ki āna taonga”. Ka mutu, ki tā rātou titiro anō ki ngā whenua rāhui ā-motu, “he rohe kua taiapatia, e āraingia ana mātou i ō mātou ritenga Māori o mua, kore rawa e whai wāhi ki ngā take whakatau, ā, e puritia ana mātou, tē taea te toro tonu ki ngā wāhi tapu me ngā wāhi hirahira o te ahurea.”⁷⁴

Hui katoa ngā uiuinga me ngā pūrongo maha, kua whakatauria e te Rōpū Whakamana i Te Tiriti o Waitangi kua takahia Te Tiriti e te Karauna i roto i āna kawenga whakatū, whakahaere hoki i ngā whenua rāhui ā-motu, ā, ko tōna tūtohunga kia unuhia ake te mana i te Karauna me te mana whakahaere i DOC. Ko te mana ia, kia riro mā te Karauna me ngā māngai o ngā iwi e pupuri, e whakahaere tahi.⁷⁵

74 Ko Jacinta Ruru me ētahi atu “Reversing the Decline in New Zealand’s Biodiversity: Empowering Māori within reformed conservation law” (2017) 13(2) Policy Quarterly 65 kei 67, e ai ki te kupu a Edward Ellison “Deficiencies in conservation subsidiary legislation” (he pūrongo ki te New Zealand Conservation Authority kāore anō i tāngia, 25 o Hūrae 2001) me Mark Solomon “Locked out of National Parks: a call to action from Kaiwhakahaere Ta Mark Solomon” (Te Karaka, 2014).

75 Tirohia Te Rōpū Whakamana i Te Tiriti o Waitangi, *Te Kāhui Maunga: The National Park District Inquiry Report* (Wai 1130, 2013); Te Rōpū Whakamana i Te Tiriti o Waitangi, *Te Urewera Report* (Wai 894, 2014); me Te Rōpū Whakamana i Te Tiriti o Waitangi, *He Whiritaunoka: The Whanganui Land Report* (Wai 903, 2015).

Inā tata nei, ko te hua o ngā whakaūnga whakatau a Te Tiriti kua unuhia ake, kua amenemanahia rānei te tūnga o te whenua rāhui ā-motu kia kitea ai te hononga o te tangata whenua ki ētahi wāhi, tūtohu taiao rānei, tae ana ki te kopounga hou o ngā whenua rāhui ā-motu hei hinonga whakature, hei tāngata motuhake rānei. Mohoa nei, ko Te Urewera, ko Te Awa Tupua (me ōna pekanga kei roto o ngā whenua rāhui ā-motu) ētahi, ā, he pēnā anō mō te Whenua Rāhui ā-Motu o Taranaki e whiriwhiria tonutia ana ngā whakaritenga.⁷⁶ He whakaihū waka ēnei ara e hura ana i te ahunga tōtika e ai ki tā ODG tirohanga. Heoi anō me rite tonu te pēnā, kua rā hei take e herea ana ki te takanga o te wā, ki te āhua rānei o ngā whakaūnga whakatau o Te Tiriti. E tīpako ana ēnei taura i te kaha hiahia ki tētahi arotakenga o te National Parks Act 1980. He wāhanga nui tēnei nō tētahi tukanga whānui mō te arotake me te whakatika tiaki taiao.

76 Nā te Ture Urewera 2014 i tango Te Urewera i te National Parks Act 1980, ā, i whakatūria Te Urewera hei hinonga ā-ture whaimana motuhake e whakahaeretia ana e tētahi poari o Tūhoe me ētahi kopounga a te Karauna. Tirohia hoki te Ture Te Awa Tupua 2017 (Whanganui River Settlement Claims) e whakamana ana i Te Awa Tupua (arā, ko te awa o Whanganui me ōna arawai me ngā rawa mai i ngā maunga ki te moana) hei tangata i raro i te ture, Te Awa Tupua me Te Anga Pūtakerongo, he Puritanga Māramatanga i waenga i te Karauna me Ngā Iwi o Taranaki nō te 20 o Tīhema 2017 e tūtohu ana kia kitea a Taranaki Maunga hei tangata i raro i te ture, ā, me te whakahouanga o te ingoa o te Whenua Rāhui ā-Motu ka noho i raro i tētahi pūnaha kāwanatanga i waenga i te Karauna me Ngā Iwi o Taranaki.

Te Tiriti o Waitangi

Wāhanga 4 o te Conservation Act

E whakature ana te Wāhanga 4 o te Conservation Act ko taua Ture rā me ngā Ture 23 katoa i tōna Āpiti 1, kotahi te hua o tana whakamārama me tana whakahaere, kia mana i a ia ngā mātāpono o Te Tiriti o Waitangi. He rārangi “powerful” tēnei nō Te Tiriti kia kua rā e whāiti tōna tikanga.⁷⁷

I Ngāi Tai ki Tāmaki, i whakapuakina e te Kōti Matua:⁷⁸

[53] ...i te whakamahia o te wāhanga 4 ki tētahi whakataunga e pā ana ki tētahi tono whai raihana, me mātua whakamahi e DOC, ki tōna kaha e taea ai, te ture hāngai me ētahi atu whiriwhiringa ā-ture i runga i te āhua ka mana ngā mātāpono hāngai o Te Tiriti.

E tūtohu ana mātou kāore e noho motuhake ana te wāhanga 4. Arā ētahi atu āhuatanga me whai wāhi mai ki ngā whakataunga mō te tono whai raihana. Hei tauira ake, i te kēhi kei te aroaro i tēnei wā, me whakatika te ahunga e takoto ana i wāhanga 4 kia aro ki ngā uara e āhei ai te hunga tūmatanui ki te kuhu atu me te rēhia i roto i ngā tautapa Reserves Act e pā ana ki te motu. Arā anō kei te wāhanga 6€ o te Conservation Act e whakaahuatia ana aua uara me te whakarārangi iho he whakatairanga i te āhei ki te toro i ngā taonga taiao me ngā taonga tuku iho mō te rēhia me te tāpoi tētahi o ngā kawenga a DOC. Ko te mea nui kia kua e tukituki ki tōna āhua tiaki taiao o aua taonga...Heoi anō kia kua e pōhēhē ka hinga a wāhanga 4 i ētahi atu o ngā whiriwhiringa pēnā me ngā mea i kōrerotia ake nei [hei tauira ko te wātea ki te tūmatanui, te rēhia me te tāpoi]. Kua anō e pōhēhē he hanga noa te wāhanga 4 he whakataurite noa iho ki ētahi atu whiriwhiringa e hāngai ana. Kāti, me whai tētahi tukanga mā roto mai o tēnā ka tutuki ērā atu whāinga ā-ture, ture kore rānei, me te aru kia taurite ai ki wāhanga 4 e mana ai ngā mātāpono o Te Tiriti e hāngai ana.

[55] Kei te āhua o ngā mātāpono Tiriti e hāngai ana te whakaurunga o ēnei tirohanga ki tētahi whakataunga, ā, he aha hoki ērā atu whāinga ā-ture, ture kore rānei e pāngia ana.

I whakaputaina e te Kōti aua kōrero e pā ana ki ngā takohanga o wāhanga 4 i runga i ngā whakahaere whakawā e wero ana i ngā whakatau ā-ture (taha whai raihana) i raro i te Conservation Act. Engari mō te ahunga o te Kōti i runga i te whānui me rētō o ngā kupu o wāhanga 4, e whakahau ana te ODG kia kua e waimeha te pānui, e matawhāiti rānei te titiro kia hāngai ki ngā whakataunga whakature, whai raihana anake. Nā runga i tēnei, ko tā ODG titiro:

77 *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 kei [52]; me *Ngāi Tahu Māori Trust Board v Director-General of Conservation* [1995] 3 NZLR 533 kei 558.

78 *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 kei [53]-[55].

- tuatahi, kāore he wehewehenga mārama i waenga i ngā whakataunga whakature, ngā whakataunga ture kore me ngā tukanga;
- tuarua, e hāngai ana te takohanga o wāhanga 4 ki te whakamāramatanga me te whakahaeretanga katoa o te Conservation Act me ngā Ture 23 i tōna Āpiti 1 – kua ki ngā whakataunga whakature, whai raihana rānei anake.

Nā runga i ēnei whakamārama, he aha rā Te Tiriti, he aha ōna mātāpono, ā, me pēhea e mana ai?

Te Tiriti o Waitangi

Ko Te Tiriti o Waitangi te tuhinga oroko ture kāwanatanga o Aotearoa.⁷⁹ I mātua waitohungia i te 6 o Pēpuere (Huitanguru) 1840 e te Karauna o Ingarangi me te tangata whenua, ā, e whakatakotoria ana te poutarāwaho ā-ture mō te hononga i waenga i te Kāwanatanga o Aotearoa me te tangata whenua. He huhua noa te whakaahua a te tangata mōna:

- “ē, ko te tuhinga mātāmua tēnei i ngā tātainga kōrero mō Aotearoa”⁸⁰
- “he tumu herenga mō te oroko tīmatanga o Aotearoa”;⁸¹
- “kua tānikotia ki te porihanga o Aotearoa”; me tēnei⁸²
- “ka mutu anō tōna nui whakaharahara ā-ture mō Aotearoa”.⁸³

Ko te raru ia, mai rā anō i ngā tau 181 kua hori i tōna waitohutanga, kua tautohea, kua ātetehia nuitia te mana me te aronga o Te Tiriti. I pēnei ai nā te mea e rua ngā reo o Te Tiriti, tōna reo Māori me tōna reo Ingarahi. Arā ētahi whakatauritenga nui i waenga i ngā tuhinga reo e rua:

- Atikara 1: Nā te tuhinga Māori i tuku “kāwanatanga” (governorship) ki te Karauna, manohi anō, nā te tuhinga Ingarahi kē i tuku ngā mōtika me te mana “rangatiratanga” ki te Karauna.

79 Tirohia Matthew Palmer, *The Treaty of Waitangi in New Zealand's Law and Constitution* (Victoria University Press, Wellington, 2008) kei 85–152; Geoffrey Palmer me Kim Hill, *Constitutional Conversations: Geoffrey Palmer Talks to Kim Hill on National Radio, 1994–2001* (Victoria University Press, Wellington, 2002) kei 22; *New Zealand Māori Council v Attorney-General* [1994] 1 NZLR 513 (PC) kei 516; Sir Robin Cooke, “Introduction” (1990) 14 NZULR 1 kei 1; *Huakina Development Trust v Waikato Valley Authority* [1987] 2 NZLR 188 (HC) kei 206 me 210; *Attorney General v New Zealand Māori Council* (No 2) [1991] 2 NZLR 147 (CA) kei 149.

80 Sir Robin Cooke, *Introduction* (1990) 14 NZULR 1 kei 1.

81 Sir Robin Cooke, *Introduction* (1990) 14 NZULR 1 kei 1.

82 Tirohia *Huakina Development Trust v Waikato Valley Authority* [1987] 2 NZLR 188 (HC) kei 206 me 210; me ngā whakapuaki noa a Casey me Hardie Boys JJ i *Attorney General v New Zealand Māori Council* (No 2) [1991] 2 NZLR 147 (CA) kei 149.

83 *New Zealand Māori Council v Attorney General* [1994] 1 NZLR 513 (PC) kei 516.

- Atikara 2: Ko tā te tuhinga Māori he kī taurangi ki te Māori i “tino rangatiratanga” (e kore te kāwanatanga e whai wāhi mai ki tō rātou tino rangatiratanga) ki ō rātou whenua, ō rātou papakāinga, ō rātou rawa me ngā taonga. Ko tā te tuhinga Ingarihi kī taurangi ki te Māori “ki a rātou anake te pupurutanga” o “ngā whenua, ngā rawa whenua, ngā ngahere, ngā ahumoana me ētahi atu whenua”
- Atikara 3: i te tuhinga Māori he mea oati e te Karauna ka noho te Māori i raro i te whakamarutanga o te Kuini me ngā tikanga katoa e riro ana ki ngā tāngata Piritene. E ai te kōrero he autaiā tēnei whakamāramatanga o te reo Ingarihi.

I *Te Paparahi o Te Raki Inquiry Report* 2014 a te Rōpū Whakamana i Te Tiriti o Waitangi, i whakatautia e rātou ko ngā rangatira nāna i waitohu Te Tiriti o Waitangi i Huitanguru 1840:⁸⁴

- kīhai i tukua e rātou tō rātou tino rangatiratanga (te mana rānei ki te whakature i ō rātou iwi, i ō rātou whenua rānei) ki Piritene;
- i whakaae ki te mahi ngātahi me Piritene i te mana me te rangatiratanga, ā, ka riro mā te Kāwana te rangatiratanga o ngā tāngata Piritene i Aotearoa, māna hoki e mau ki te rongo, e whakahaumarū ngā pānga Māori;
- i whakaae ki Te Tiriti i runga i te take ka noho ōrite me te Kāwana, engari he rerekē ngā kawenga me ngā whaitua whaimana, (ko ngā kōiriiri o te whakatinanatanga o tēnei hononga, ina koa e whakaururu ana ngā taupori Māori me te Pākehā, i waiho noa ngā whakaritenga ki te takanga o te wā me te mātai takitahi i ngā take);
- i whakaae ki te uru ki ngā mahi hoko whenua me te Karauna, i oati anō te Karauna kia whakatewhatewhangia ngā mahi hoko whenua o mua i Te Tiriti me te whakahoki whenua Māori kīhai i tika te rironga atu; ā
- ko te āhua nei i whakaae kia riro mā te Karauna rātou e ārai i ngā whakatumatuma o tarawāhi ao, māna hoki e noho hei māngai mō rātou i roto i ngā take o te ao, ina tika ana.

Nā ngā rangahau inā tata nei kua kōkiritia te whakapae i āhua rite pea te māramatanga o ngā kaitārai Piritene o Te Tiriti ki ō ngā rangatira nāna rā i waitohu i 1840.⁸⁵

Ehara koa, ko te māramatanga o Te Tiriti o Waitangi i mārama ai ki te tangata whenua me ngā kaitārai Piritene i 1840 he uaua te whai kia noho ōrite me te mana kāwanatanga o te wā e whakatinana tahitia ana e te Karauna me te whakature, ā, me te namunamu o te takiwā hei whakatinana mā te tangata whenua i tōna rangatiratanga.

84 Te Rōpū Whakamana i Te Tiriti o Waitangi, *He Whakaputanga me Te Tiriti, The Declaration and the Treaty: Report on Stage 1 of the Te Paparahi o Te Raki Inquiry* (Wai 1040, 2014) kei 529.

85 Ned Fletcher, “A Praiseworthy Device for Amusing and Pacifying Savages? What the Framers Meant by the English Text of the Treaty of Waitangi” (PhD thesis, University of Auckland, 2014) kei iii me iv.

Te ahunga ki ngā “mātāpono o Te Tiriti”

He mea hanga e te Karauna te kīanga nei ngā “mātāpono o Te Tiriti o Waitangi” i whakaurua ai ki ngā whakature i 1975 i te Ture mō Te Tiriti o Waitangi. He mea hoahoa hei whakakīngā āputa i waenga o te tuhinga reo Māori me te tuhinga reo Ingarihi o Te Tiriti. I takea mai ngā mātāpono o Te Tiriti i te tuhinga, i te wairua, i te koromakinga me ngā āhuatanga o Te Tiriti. He mea nui kia mōhiotia, e kore e taea te whakawehe i ngā mātāpono o Te Tiriti, te whakauru rānei, i ngā Atikara me te reo ake o Te Tiriti.⁸⁶

Ahakoā kāore e taea te kaupare atu i te mana Karauna o te wā, e mairangatia ana e te ODG te tuhinga reo Māori o Te Tiriti nā te mea i waitohungia e te nuinga o ngā rangatira taua tuhinga Māori. E whakahau ana te ture contra proferentum ki te tūponotia he rangirua, arā ngā whakarite hei whakatauriterite māramatanga ki tō te rōpū nāna rā i tārai ngā whakarite (inarā ko te Karauna Piritea), ā, e rite ana ki tā te Rōpū Whakamana i Te Tiriti o Waitangi ahunga mō te whakamārama i ngā mātāpono o Te Tiriti.⁸⁷

Kua whanake haere ngā mātāpono o Te Tiriti i te takanga o te wā, ā moroki noa nei. Ko tā te Kōti Pīra tirohanga “e kore e motukia ngā takohanga Tiriti”, ka mutu, e kore e kitea tētahi rārangi mutunga o ngā mātāpono o Te Tiriti. He aha ai? “ka kauneke haere whakatupuranga atu, whakatupuranga mai ka panoni haere ngā āhuatanga o te wā”.⁸⁸ Nā reira, kia kua e kitea tētahi rārangi kua oti nei te rangiwhāwhā me te rētō o ngā mātāpono o Te Tiriti te whakamārama.

Kāti, kua tautuhia kua whanaketia e ngā Kōti me te Rōpū Whakamana i Te Tiriti o Waitangi ētahi mātāpono kua mārō te whakapūmau, ka mutu, ko te nuinga o ēnei e hāngai ana ki te tiaki taiao me ngā haepapa o DOC. Tētahi ko te mātāpono nunui o te noho kōtui (he maha hoki ōna anō mātāpono o roto, e tūhono ana rānei)⁸⁹. Ko ngā mātāpono whakahaumarū hihiko me te āhei ki te whakamarohi me te whakaea tētahi atu.⁹⁰

86 E whakaaetia ana e te Rūnanga Tohutohu a te Karauna i *New Zealand Māori Council v Attorney General* [1994] 1 NZLR 513 (PC) kei 517.

87 Te Rōpū Whakamana i Te Tiriti o Waitangi, *He Pāharakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry* (Wai 2915, 2021) kei 11.

88 *Te Rūnanga o Muriwhenua Inc v Attorney-General* [1990] 2 NZLR 641 kei 656 (CA). Tirohia hoki *New Zealand Māori Council v Attorney-General* [1987] 1 NZLR 641 (CA) kei 642 me 656.

89 Tae atu ki tēnei hei tauira, te haepapa kia tika, kia rangatira te tū, kia pono, ā, me te mātāpono o te mana taurite.

90 Ko te *New Zealand Māori Council v Attorney-General* [1987] 1 NZLR 641 te whakatau tuatahi a te Kōti Pīra nāna i aro ki ngā hīraunga o te whakauru ā-ture i ngā mātāpono o Te Tiriti, ā, i hōhono hoki te whakamāramatia o ngā taipitopito o aua mātāpono. I tēnei kēhi, he mea whakapae e te New Zealand Māori Council he takahi i ngā mātāpono o Te Tiriti te mahi a te Kāwanatanga kia whitia te whenua ki ngā state owned enterprises nā reira i taupatu ai ki te takohanga i wāhanga 9 o te Ture State-Owned Enterprises 1986. Ko te whakatau a te Kōti Pīra - e mōhiotia whānuitia ana ko te whakatau Whenua - kua noho hei tuatahinga hira, hei tohutoro ‘oft-cited’ mō ngā Kōti i muri mai me Te Rōpū Whakamana i Te Tiriti o Waitangi.

He maha ngā umanga kua whakamāramatia, kua whakapuakina e rātou ngā mātāpono o Te Tiriti, inarā ko te Rōpū Whakahaere, te Paremata, ngā Kōti me te Rōpū Whakamana i Te Tiriti o Waitangi. Kua mairangatia e te ODG te taha whakature a Rōpū Whakamana i Te Tiriti o Waitangi nā te mea he umanga mātanga he haepapa whakature āna hei uiui i ngā takahitanga i ngā mātāpono o Te Tiriti. Ka āhei hoki te whakatakoto tūtohunga hei whakatinana i ēnei mātāpono i te wā nei.

Ahakoia kua kaha te arotahi a te ODC ki te tō mai i ngā mātāpono o te noho kōtui, te whakahaumarū hihiko, te āhei ki te whakamarohi me te whakaea i tēnei Pūrongo, e mōhiotia ana ehara ko ēnā anake ngā mātāpono o Te Tiriti e hāngai ana ki te tiaki taiao.⁹¹

Nōhanga Kōtui: te whai kia mārama ki te kāwanatanga me te tino rangatiratanga

Kua kī tahi ngā Kōti me te Rōpū Whakamana i Te Tiriti o Waitangi ko te nōhanga kōtui tētahi o ngā mātāpono pou matua o Te Tiriti. He huhua noa te kōrero mō ngā kawenga ka rere mai i tēnei mātāpono. Ko te kawē ngātahi tētahi o ngā kaupapa he rite tonu te puta i Te Tiriti. Ka mutu, me arotau ngā hoa kōtui tētahi i tētahi i runga i te tika, te whakaute me te ngākau pono.⁹² I roto i *Te Whānau o Waipareira Report* a Te Rōpū Whakamana i Te Tiriti o Waitangi, ko tēnei mea Te Tiriti he rite ki te “kirimana moetanga”:⁹³

...kei roto rā e whakapuakitia ana e ngā kī taurangi whānui te korou me te koromaki o ngā taha e rua ki te noho tahi i roto i te aroha me te whakaute. Ko te tohu o te moetanga pai kāore i te āheinga o ngā taha e rua ki te whakarite me te whakamārama i ōna kī taurangi ki a rāua anō, kāore hoki i te āheinga ki te whakature ina pā te raru. Ko tāna ia, kei te hirianga ki te whakatau raru i runga i te wairua pai, te pono, te manaaki, te rapu whakataunga auaha me te whaiwāhi ki te tautiaki tētahi i tētahi.

E mau ana tēnei pou o te hoa kōtui i ngā uara whānui me ngā mātāpono whaikiko hei arataki i te hononga o te tangata whenua me te Karauna, tētahi i tētahi.

91 Ko ētahi atu mātāpono i tautohua e Te Rōpū Whakamana i Te Tiriti o Waitangi ka whaitake pea ki ētahi atu momo horopaki e hāngai ana ki te tiaki taiao ko ngā mātāpono o te mana taurite, o te tauutuutu, o te whaihua, he kōwhiringa.

92 *New Zealand Māori Council v Attorney-General* [1987] 1 NZLR 641 kei 664.

93 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Te Whānau o Waipareira Report* (Wai 414, 1998) kei 222.

Ko tētahi atu pou o te hoa kōtui ko te whai kia noho ōrite ngā ariā o te kāwanatanga (te mana o te Karauna ki te whakahaere) me te tino rangatiratanga (te mana o te tangata whenua ki te whakahaere i tōna tino anō rangatiratanga ki runga i ō rātou whenua, rawa, tāngata hoki). Kua oti i te Rōpū Whakamana i Te Tiriti o Waitangi te tautohu kāore he mana here kore o te Karauna ki te kāwanatanga.⁹⁴ Kei raro i te kī taurangi o te tino rangatiratanga e whakahautia ana te Karauna me tūtohu ki te mana whakahaere a te tangata whenua ki āna tikanga, ōna rawa me āna tāngata, ā, me tuku kia riro mā te tangata whenua tonu āna ake take e whakahaere i runga anō i ā rātou tikanga me ngā uara.⁹⁵

Ehara ēnei mea te kāwanatanga me te tino rangatiratanga i te mutunga mai, engari nā te korenga o te mana o te wā nei i taurite, ko tā te Karauna me kaha tōna whai kia kaua e taupātia te whai wāhi o te tangata whenua i raro i te hononga. E hono ana tēnei takohanga ki te mātāpono mō te whakahaumarū hihiko.⁹⁶ He mea kōrero anō e te Rōpū Whakamana i Te Tiriti o Waitangi, i roto i ngā whakawhitihiti kōrero me pēhea e mana ai te kāwanatanga me te tino rangatiratanga, kaua tētahi taha e uruhi i tōna anō hiahia, e whai rānei kia mahi pokanoa ki te whaitua whaimana o tētahi, hāunga ia ngā āhuatanga rerekē rawa.⁹⁷

Mō te tiaki taiao, he mea whakapuaki e te Rōpū Whakamana i Te Tiriti o Waitangi, nā te mea kei raro i te mana o DOC te hiranga o te taiao ki te oranga ahurea o te tangata whenua, kia noho mātāmua kē te hoa kōtui i roto i ngā mahi whakatau e pā ana ki te whakahaere tiaki taiao, ka mutu, he huatakinga te whakatau ngātahi o te noho tahi i waenga i DOC me te tangata whenua.⁹⁸

Āpiti atu, kua mea anō te Rōpū Whakamana e tika ai te kāwanatanga me te tino rangatiratanga kia kaua e taupātia te “mana, te haepapa, te kaitiakitanga rānei o te tangata whenua ki ngā rawa taiao, i te mea he taonga tonu”.⁹⁹ I tana pūrongo 2015 *He Whiritaunoka Report* he mea whakamahine e te Rōpū Whakamana kia pēnei te ture mō Te Tiriti (i ngā Kōti me te Rōpū Whakamana) te āhua o te nōhanga kōtui i waenga i te Karauna me te tangata whenua mō ngā take taiao:¹⁰⁰

94 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Hauora Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575, 2019) kei 27.

95 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Hauora Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575, 2019) kei 28.

96 Te Rōpū Whakamana i Te Tiriti o Waitangi *Hauora Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575, 2019) kei 28. Tirohia hoki Te Rōpū Whakamana i Te Tiriti o Waitangi, *Te Whānau o Waipareira Report* (Wai 414, 1998) kei xxvi, 16 me 30.

97 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims* (Wai 898, 2018) kei 158, 169 me 183, kitea ai i Te Rōpū Whakamana i Te Tiriti o Waitangi, *He Pāharakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry* (Wai 2915, 2021) kei 17.

98 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011), Pukapuka 1 kei 341 me 372.

99 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Stage 2 Report on the National Freshwater and Geothermal Resources Claims* (Wai 2358, 2019) kei 16, e ai ki tā Te Rōpū Whakamana i Te Tiriti o Waitangi, *He Maunga Rongo: Report on Central North Island Claims*, (Wai 1200, 2008), Pukapuka 4 1240.

100 Te Rōpū Whakamana i Te Tiriti o Waitangi, *He Whiritaunoka: The Whanganui Land Report* (Wai 903, 2015) kei 1234-1235.

- Kei te Karauna te mana me te haepapa ki te hanga ture me te whakarite i te kaupapa here katoa mō te tiakanga o ngā rawa taiao kia haumaruru ai te taiao;
- E whai mōtika ana te tangata whenua ki te whakahaere i te tino rangatiratanga, ahakoa ehara tēnei i te mōtika mutunga mai he mōtika kia kaua e rukea noatia;
- waihoki, he kawenga tā te Karauna me whakapau ōna kaha kia noho kaitiaki tonu te tangata whenua ki āna taonga taiao;
- ko te ariā o te hoa kōtui e karapoti ana i te hononga i waenga i ngā umanga taiao o te Karauna me te tangata whenua;
- i runga i tēnei ko te whakawhitiwhiti kōrero whaitake me te mahi tahi ki te whakaputa whakatau te tikanga o te hoa kōtui
- Kāore kau ana he ture ukauka me pēhea te wāwāhi i te taha whakaputa whakatau. Mā te horopaki anō me ngā take takitahi e whakatatū.

Ko te āhuetanga pū o te nōhanga kōtui, tae noa ki te āhua me te hōhonu o ngā whakatau, te hunga māna te haepapa o te mahi whakahaere taonga rā atu, rā atu, kia takitahi te whiriwhiri i ngā take.¹⁰¹ Ko ngā whaiwhakaarotanga kia kitea ai he tūranga mō te tangata whenua i roto i te kāwanatanga me te whakahaere i ngā wāhi rawa tiaki taiao, ahakoa te wāhi me ngā momo haumaruru, koia ēnei: ngā whakaritenga e tika ana hei whakahaumaruru i te taiao me ōna pūnaha hauropi; te wairua me te marohi o te hononga a te tangata whenua ki te wāhi; me te ngākau reka o te hunga tūmatanui.¹⁰² I mea te Rōpū Whakamana i Te Tiriti mā te whakataurite i ēnei whaiwhakaarotanga ka tautohua te momo me te hōhonu o te pānga o te tangata whenua kia arohia; me te mātāi anō tērā pea he wāhi whāiti, he motuhake, he ōrite, he mana whakahaere rānei te pānga.¹⁰³

He mea tautohu e te Karauna Matua i *Ngāi Tai ki Tāmaki* i runga i te wāhanga 4, ko taua whiriwhiri me te taurite, me mātua whakatutuki kia pai ai tana whakamana i ngā mātāpono o Te Tiriti.¹⁰⁴ Nā reira, ehara tēnei i te take tūtohu whāiti, engari, kia kitea he putanga eke panuku mō te taha ki te whakamana i ngā mātāpono o Te Tiriti.

101 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011), kei 341.

102 Te Rōpū Whakamana i Te Tiriti o Waitangi *He Whiritauonoka: The Whanganui Land Report* (Wai 905, 2015), Pukapuka 3 kei 1234-1235.

103 Te Rōpū Whakamana i Te Tiriti o Waitangi, *He Whiritauonoka: The Whanganui Land Report* (Wai 905, 2015), Pukapuka 3 kei 1235.

104 *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 kei [54].

Ko tā te ODG he whakapoutokomanawa i te nōhanga kōtui i tā rātou ahunga kia mana ai ngā mātāpono o Te Tiriti. Ko tēnei o ngā mātāpono kua kauneke atu i tētahi anga whakamanamana, inarā kei te Karauna te mana motuhake oti atu ki te whakahaere, ko te tangata whenua ia kei raro kē, arā, he hunga whaipānga noa iho ka kīia he aha te aha. Ko te tikanga o te hoa kōtui he hononga moroki e rere whakapae ai te mana me te mana whakataū. Ka tutuki rawa i runga i te whakatinanatanga o te tino rangatiratanga o te tangata whenua. E whakatairanga ana anō te ODG ehara te tangata whenua i te tangata ōrite. Me mātua whakarato te pūnaha whakature ki te tangata whenua, ki ōna kawa, ki āna tikanga me te mātauranga, ā-motu mai, ā-rohe mai. Me auaha, me huhua mārire ngā ara e tika ai, e mana ai te nōhanga kōtui o Te Tiriti.

Te whakahaumarū hihiko i te tino rangatiratanga

Kua whakatautia e ngā Kōti me te Rōpū Whakamana i Te Tiriti kāore ngā takohanga Tiriti a te Karauna i te mea whāngai whatu noa iho, he whakahihiko kē ia kia haumarutia ngā mōtika me ngā pānga o te tangata whenua e kī taurangitia ana i raro i ngā Atikara 2 (tino rangatiratanga) me te 3 (mana taurite) o Te Tiriti, ki tōna pae otinga e taea ai.¹⁰⁵ Ka ara ake te takohanga whakahaumarū hihiko i te nōhanga kōtui Tiriti tonu nā roto mai o te whitiwhiti kāwanatanga me te tino rangatiratanga. Nā reira i tātata ai tōna hononga ki te mātāpono o te hoa kōtui me te whakaari i te taha hihiri, kakama anō ki ngā takohanga o te Karauna.

I roto i te *Hauora Report* inā tata nei, i mea te Rōpū Whakamana i Te Tiriti:¹⁰⁶

Nā reira i tēnei wā kua mārāma ki te Rōpū Whakamana hei konei, hei te kī taurangi a Te Tiriti mō te tino rangatiratanga, ka tukua ki te Māori, mā roto mai o ōna iwi, ōna hapū, ētahi atu rōpū rānei e hiahia ana rātou, te āheinga o te mana whakataū ki runga i ā rātou mahi. I te Ngāpuhi Mandate Inquiry Report i mārāma anō ki te Rōpū Whakamana, he mea nui ki te whakahaumarū hihiko o te tino rangatiratanga “te pūkenga me te āhei o te Māori ki te whakahaere i tōna mana ki runga i ā rātou ake mahi, tērā e taea ana i raro i ngā herenga o te mana tōrangapū o te whenua”.

105 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Te Ika Whenua Rivers Report* (Wai 212, 1993) kei 134; Te Rōpū Whakamana i Te Tiriti o Waitangi, *Manukau Report* (Wai 8, 1985); Te Rōpū Whakamana i Te Tiriti o Waitangi, *Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims* (Wai 898, 2018), kei 189; Te Rōpū Whakamana i Te Tiriti o Waitangi, *Hauora Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575, 2019), kei 30; Te Rōpū Whakamana i Te Tiriti o Waitangi, *The Whakatōhea Mandate Inquiry Report* (Wai 2662, 2018), kei 23; Te Rōpū Whakamana i Te Tiriti o Waitangi, *Tū Mai te Rangi: Report on Crown and Disproportionate Reoffending Rates* (Wai 2540, 2017), kei 21 ; *New Zealand Māori Council v Attorney-General* [1987] 1 NZLR 641 (CA) kei 664.

106 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Hauora Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575, 2019) kei 30, kitea ai i Te Rōpū Whakamana i Te Tiriti o Waitangi, *He Pāharakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry* (Wai 2915, 2021) kei 19.

He mea whakauruhi e te Rūnanga Tohutohu a te Karauna te mātāpono whakahaumarū hihiko ki te kēhi 1994 *New Zealand Māori Council v Attorney General (Ngā Hua Pāho)*, me te pēnei o tana whakaahua:¹⁰⁷

- Ko te whakahaumarū me te tiakanga o ngā rawa tangata whenua tētahi o ngā takohanga “mātāmua” i takea mai i ngā mātāpono o Te Tiriti.
- Ehara te takohanga i te mea mutunga mai, here kore rānei: “I te mea he takohanga moroki tēnei mā te Karauna, ko ngā pikinga whakahaumarū e tika ana hei panoni mā te Karauna kei ngā āhuetanga anō o te wā ahakoa te wā”.
- Mehemea te taonga “e mōrearea ana, me whai wāhi tōna pēheatanga i roto i ngā whiriwhiringa a te Karauna ki te whakatau he aha rā tāna mahi hei whakatutuki i ōna takohanga, ā, me whakapau kaha te Karauna ki te whakahaumarū.”¹⁰⁸
- Ko ngā “hē o mua” o te Karauna “ka whakapiki pea... i ngā takohanga o te Karauna”.¹⁰⁹

Ko te huinga pūrongo nei a te Rōpū Whakamana i Te Tiriti o Waitangi, arā, te whakataunga mō Ngāi Tai ki Tāmaki, te whakataunga tōmua a te Kōti Pira mō *Ngāi Tahu Māori Trust Board v Director-General of Conservation (Whales)*¹¹⁰ me *Ko Aotearoa Tēnei*, e whakatairanga ana i te hiranga o te mātāpono whakahaumarū hihiko o te tiaki taiao, ina koa e tukutuku ana a DOC i ngā umanga whai raihana, me te whai kia arohia ngā pānga (me ngā whaipānga ohaoha) o te tangata whenua:

- me mātua uru atu te tangata whenua ki ngā whakawhitihiti kōrero i mua i te otinga o tētahi whakataunga, ka mutu, me hōhonu anō te aro ki ngā ngā tirohanga me ngā pānga o te tangata whenua;¹¹¹

107 *New Zealand Māori Council v Attorney General* [1994] 1 NZLR 513 (PC) kei 517. He mea whakamahi hoki te mātāpono haumarū hihiko e te Environment Court i *Grace v Minister of Land Information* [2014] NZRMA 454, 2014] NZEnvC 82.

108 Tirohia hoki *Waitangi Tribunal Hauora Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575, 2019) kei 32. He mea whakapūmau hoki e te Pūrongo Hauora e tutuki ai te haumarū hihiko me arotahi motuhake te Karauna ki te pānga o ngā āhuetanga mana taurite kore ki te Māori, me te aha, me whakawātea he rauemi atu anō hei whakatika i te pūtake o te korenga o te mana taurite. He mea tīpako e Te Rōpū Whakamana i Te Tiriti o Waitangi he take whakahohoro i te mea e pānekeneke nei ngā whaipānga me ngā mōtika o te Māori i takea mai i Te Tiriti, ā, ki te pēnā, mā te haumarū hihiko pea e whakakipakipa te Karauna kia whakawhāiti te aro e nui kē ake ai ngā rauemi i runga i te hiahia hei whakaheke i te pānga o ngā taumahatanga ā-anga, ā-hītori rānei.

109 Tirohia hoki Te Rōpū Whakamana i Te Tiriti o Waitangi, *Tū Mai te Rangi: Report on Crown and Disproportionate Reoffending Rates* (Wai 2540, 2017) kei 22, i konā i mea rā Te Rōpū Whakamana i Te Tiriti o Waitangi “e whiriwhiri mārika nei mātou i te takohanga kia haumarutia ngā whaipānga Māori, ā, kia whakatairangatia ake me te mōhio anō ki ngā hē o mua o te Karauna me te whakatakētanga kua pā ki ngā whakatupuranga heke iho.”

110 *Ngāi Tahu Māori Trust Board v Director-General of Conservation* [1995] 3 NZLR 553, e mōhio whānuitia ana ko te kēhi Tohorā.

111 Tirohia *Ngāi Tahu Māori Trust Board v Director-General of Conservation* [1995] 3 NZLR 533 kei 560.

kāore e herengia ana ngā takohanga ki te whakawhitiwhiti kōrero, ki ngā tukanga pēnei me te whakawhitiwhiti kōrero kāore kau he whakaaro nui ki ngā tirohanga o te tangata whenua. E kore e rawaka.¹¹²

- Ko te hōhonutanga e tika ana kei ngā āhuatanga, me te hiahia kia noho “arotau”, “mātāmua” rānei ngā pānga o te tangata whenua i te taha o ētahi atu whaipānga;¹¹³
- he mea nui pea kia ranea ngā putanga ki te tangata whenua, hei tauira, arā pea ngā wā me whakahē ngā tono umanga whai raihana a ētahi atu;¹¹⁴
- kia mōhio ko te tūnga arotau ka tukua ki ngā pānga o te tangata whenua ehara i te mōtika e taea ana te whakakore¹¹⁵
- ko tētahi ara e mana ai i te Karauna ngā mātāpono o Te Tiriti, ko te ahei o te tangata whenua kia tina anō te hononga ki ōna whenua tuku iho mā te kapo i ngā whai wāhitanga kei te rawa tiaki taiao (mā te umanga whai raihana, aha kē atu rānei)¹¹⁶

Tērā te kēhi *Whales* me te take tuku i tētahi umanga whai raihana ki tētahi pakihī mātakitaki tohorā i waho atu o te takutai o Kaikōura. Ko tā te Kōti Pīra tāna i kī “kia tika te arohia o ngā pānga o Ngāi Tahu”. I pēnei te whakamārama a te Kōti, ahakoa ehara te umanga mātakitaki tohorā arumoni i te taonga, i te mahi hao ika rānei i raro i te whakaaro o Te Tiriti, i rawaka noa te “hononga ki ngā taonga me te ahumoana e mārāma ai ki te nōhanga kōtui Tiriti pono e hāngai ana ngā mātāpono Tiriti”.¹¹⁷ I whakahokia tēnei take ki te Tumuaki Ahurei māna e mātairua i runga i te whakahau me whai whakaaro tonu rātou ki te whakahaumarū i ngā pānga o Ngāi Tahu.

I te pūrongo *Ngāi Tai ki Tāmaki* i whakatautia e Te Kōti Matua kīhai i mana i a DOC ngā mātāpono o Te Tiriti i te taha ki ētahi o ngā whakataunga mō te whai raihana, ā, nā wai i hē, kātahi ka hē kē atu, i hē te āta whiriwhiri i ngā pānga ohaoha o Ngāi Tai ki Tāmaki hei iwi mana whenua, i hē anō te āta whiriwhiri i te āheinga kia noho tōmua mai rātou.¹¹⁸

112 Tirohia *Ngāi Tahu Māori Trust Board v Director-General of Conservation* [1995] 3 NZLR 533 kei 560 - 561; me *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 kei [52].

113 Tirohia *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 kei [73]; *Ngāi Tahu Māori Trust Board v Director-General of Conservation* [1995] 3 NZLR 533 kei 561 - 562; me Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011), Pukapuka 1 kei 323.

114 *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 kei [52].

115 *Ngāi Tahu Māori Trust Board v Director-General of Conservation* [1995] 3 NZLR 533 kei 559; *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 kei [95].

116 *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 kei [52].

117 *Ngāi Tahu Māori Trust Board v Director-General of Conservation* [1995] 3 NZLR 533 kei 560 me 562.

118 *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368, kei [73].

He mea nui rawa ki te ODG te mātāpono whakahaumarū hihiko mō tōna āhei ki te whakatinana i te tino rangatiratanga o te tangata whenua i raro i tētahi pūnaha tiaki taiao whaitake. He mahi nui tā te Karauna, tōna takohanga hei whakatūturu i te raukaha o te tangata whenua ki te whakahaere i tōna anō mana rangatira ki runga i ā rātou mahi ake i raro tonu i ngā pūnaha o te wā kei reira rā te mahi a te Karauna ki te pupuri mana. Nā te mea e arotahi ana ngā whakataunga matua e rua a te Kōti mō wāhanga 4 (*Whales and Ngāi Tai ki Tāmaki*) ki tēnei mātāpono, inā tōna anō hiranga ki te pūnaha tiaki taiao. Waihoki ko ngā hē o mua o te Karauna i paheke ai te rerenga rauropi me te aukati i te tangata whenua ki ōna taonga taiao, kua putuputu ake ōna takohanga ki te whakahaumarū hihiko i ngā pānga o te tangata whenua i roto i te tiaki taiao.

Te Whakamarohi

E kaha whakamanatia ana e te Rōpū Whakamana i Te Tiriti te mātāpono whakamarohi, engari kāore e pēnā rawa te whakamanatia ōna e ngā Kōti. E karapoti ana te mātāpono i te mōtika whānui a te tangata whenua ki te whakamarohi hei iwi, ki te pupuri ki ā rātou taonga me te whakamarohi i ēnei ki tā rātou e pai ai ki tā ō mua ritenga, ki ō nāiane rānei.¹¹⁹

I mātua takea mai tēnei mātāpono i te mōtika whakamarohi rawa i whakamahia rā e te tangata whenua i ōna wā o mua, ā, nō muri mai ka whānui ake kia whai wāhi mai te mōtika whakamarohi taonga mā roto mai o te hangarau i wātea ake tōna whātoro i muri i 1840.¹²⁰ I whakatautia hoki e te Rōpū Whakamana ka whai wāhi ētahi atu mea kāore anō kia mōhiotia me te noho taonga tonu. He whakaahua hoki tēnei i te koronga whānui o te mōtika whakamarohi.¹²¹

I te kēhi nei *Whales*, i whakaae mārire te Kōti Pīra ki te āheinga whakamarohi o Ngāi Tahu nā te mea ahakoa ehara te umanga mātakitaki tohorā arumoni i te taonga, i te hao ika i tētahi tauranga ika ahumoana rānei i raro i te mātainga i Te Tiriti i 1840, i rawaka noa te “hononga ki ngā taonga me te ahumoana e mārama ai ki te nōhanga kōtui Tiriti pono e hāngai ana ngā mātāpono Tiriti”.¹²²

119 Tirohia Te Rōpū Whakamana i Te Tiriti o Waitangi, *Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim* (Wai 22, 1988).

120 Tirohia Te Rōpū Whakamana i Te Tiriti o Waitangi, *Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim* (Wai 22, 1988) me Te Rōpū Whakamana i Te Tiriti o Waitangi, *The Radio Spectrum Management and Development Final Report* (Wai 776, 1999) kei 41.

121 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Report of the Waitangi Tribunal on Claims concerning the Allocation of Radio Frequencies* (Wai 26, Wai 150, 1990) kei 40.

122 *Ngāi Tahu Māori Trust Board v Director-General of Conservation* [1995] 3 NZLR 533 kei 560 me 562.

I te mea ka ara ake i te pānga hāngai kore i tētahi āheinga whakamarohi kua āta whakaaro anō a DOC, ā, me te tuku inakuanei tonu i tētahi umanga whai raihana ki a Ngāi Tahu ki te whakakao pūkohu wai taira mōmona. Nā konei ka mārāma iho ki te ODG kāore he kupu taunaki i te mātauranga tuku iho o Ngāi Tahu ki ngā āhuatanga motuhake o te pūkohu wai (he mea tūhura nā te pūtaiao o te wā). Heoi, tērā tētahi hononga i waenga o Ngāi Tahu me te kūkūwai kei reira e tupu ana te pūkohu wai, ā, mai anō he mea whakakao he ika me ētahi atu rawa i taua wāhi rā. Tārake ana te kitea o tōna whakarite ki te kēhi *Whales*, inarā ehara te umanga mātakitaki tohorā arumoni i te mahinga tuku iho, heoi i pai noa te hiahia ki te whakamarohi i te umanga hei tā ngā mātāpono whakahaumarua hihiko me te āheinga whakamarohi i raro i Te Tiriti.

I te pūrongo a te Rōpū Whakamana i Te Tiriti *mō He Maunga Rongo*, i whakatakotoria ngā waehanga hāngai hei āta whiriwhiri ina whai wāhi te āheinga whakamarohi:¹²³

- kei ngā wāhi nui o mua te hinonga, ngā wāhi, ngā rawa rānei o te rohe;
- kua uru tētahi kaupapa kōkiri ā-iwi, e āta whiriwhiri ana rānei;
- mehemea rā i hōhonu te whai wāhitanga o te iwi me te hapū i roto i tēnei momo hinonga, he kaihōpara pea i mua rā;
- ko tā te whakamarohi, te mahi rānei he takoha pea ki te whakatika i ngā hē o mua ki Te Tiriti;
- ko tā te whakamarohi, te mahi rānei he āwhina pea kia ahu whakamua te whakamarohi o te rōpū, taha ahurea, pāpori me te ohaoha; ā
- ko tā te whakamarohi, te mahi rānei he āwhina pea i te tiakanga me te whakamarohi o tētahi taonga e noho mōrearea ana.

He mea hono anō e Te Rōpū Whakamana i Te Tiriti o Waitangi te mātāpono whakamarohi i raro i Te Tiriti ki te United Nations Declaration on the Rights of Indigenous Peoples e kī rā te kōrero e whai mōtika ana ngā iwi taketake ki te aru noa i tō rātou whakamarohi ohaoha, pāpori me te ahurea”, ā, “te whakatau me te whakatakoto rautaki hei whakatinana i tō rātou mana motuhake ki te whakamarohi”.¹²⁴

123 Te Rōpū Whakamana i Te Tiriti o Waitangi, *He Maunga Rongo: Report on Central North Island Claims, Stage One* (Wai 1200, 2008), Pukapuka 3 kei 911.

124 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Whaia te Mana Motuhake/In Pursuit of Mana Motuhake: Report on the Māori Community Development Act Claim* (Wai 2417, 2015); me United Nations Declaration on the Rights of Indigenous Peoples A/Res/61/295 (2007), Atikara 3 me 23.

Te Whakaea

I tāna kēhi 1987 *Lands* i whakaūngia e te Kōti Pīra ko tēnei mea te whakaea i te hē ki Te Tiriti “ka whakaahuatia hei mātāpono”, ā, “ina whakatautia e te Rōpū Whakamana i Te Tiriti o Waitangi he wāriu tō tētahi kerēme ka tūtohungia ai te whakaea, me aro hoki te Karauna ki tētahi momo whakaea”. Mehemea rā he “āhuatanga tino motuhake” tērā ka whakaae kia puritia te whakaea e te nōhanga kōtui Tiriti pono.¹²⁵

Kua kīngia e te Rōpū Whakamana i Te Tiriti o Waitangi “kua noho tūāpapa te mahara me tahuri ki te whakaea mehemea kua hē i te Karauna tōna whakahaumarū hihiko i ngā pānga o te Māori, tae noa te rangatiratanga o te Māori ki ōna taonga”, ā, “i tūria tēnei haepapa kia mōhiotia mehemea kāore i ea ngā takohanga Tiriti o mua, ka āhei te whakatika ake mā te tahuri ki ngā wawata ināianei, ā mua iho o te Māori.¹²⁶

Kore ana he rautaki tohutohu mō te whakaea. Tēnā ia, ko te ranea o te whakaea ka tukua me “tōkeke/tika rawa te māramatanga me te paremata mō te hē kua pā”.¹²⁷ Ka mutu “kei te āhua o te āheinga whakamarohi ā-oaha, ā-pāpori mō te ahu whakamua me te āheinga kia toitū tonu te mauri o ngā taonga o te iwi, te reo, te ahurea, ngā tikanga, ngā whenua, me ētahi atu rawa”.¹²⁸ I kīngia e te Rōpū Whakamana i Te Tiriti i tana pūrongo *He Maunga Rongo*:¹²⁹

...me noho ko tētahi ritenga haumanu hei tūāpapa mō te whakaea ko tōna whāinga kei te atikara 2, e kī ana, ki te haumanu i te rangatiratanga o te iwi, te hapū rānei ki runga i ō rātou whenua, taonga rānei e whakaae tahi ai ngā rōpū. Arā pea ētahi āhuatanga, he arā kē te rongoā haumanu i te mana o te iwi. I ētahi atu anō, ko te whakature kē hei tūtohu i te rangatiratanga, te whakahoki whenua, ā, me ētahi atu hanga o te whakaea tērā e ngata ai. Ki ngā wāhi kua kino rawa te haukurutia o te taiao, kāore pea e rawaka ai mā ēnei whakata. Arā pea he wā me āta hora i tētahi mahere haumanu e tutuki ai. Mā te aha, mā te mahi tahi a ētahi atu rāngai maha me te Māori ina whakaae tahi ngā rōpū katoa. Mehemea rā koinei tētahi kōwhiringa, ka tahuri ki te whakaahu i ētahi pūnaha hou mō te whakahaere ngātahi i ngā taonga nui o te hapū, te iwi rānei.

125 *New Zealand Māori Council v Attorney-General* [1987] 1 NZLR 641 (CA), kei 664-665 me 693.per Somers J.

126 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ahu Moana: The Aquaculture and Marine Farming Report* (Wai 953, 2002), kei 71. Tirohia hoki Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ngāi Tahu Sea Fisheries* (Wai 27, 1992) kei 272; me Te Rōpū Whakamana i Te Tiriti o Waitangi, *The Ngawha Geothermal Resource Report* (Wai 304, 1993) kei 101.

127 *New Zealand Māori Council v Attorney-General* [1987] 1 NZLR 641 (CA), e ai ki Somers J.

128 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Report on the Management of the Petroleum Resource* (Wai 796, 2011) kei 168.

129 Te Rōpū Whakamana i Te Tiriti o Waitangi, *He Maunga Rongo: Report on Central North Island Claims, Stage One*, (Wai 1200, 2008), Pukapuka 4 kei 1248.

E mōhio ana te ODG nā ngā whakaūnga whakatau a Te Tiriti me ōna ara huhua te nuinga o te whakaea i tatū ai. Pēnei me te whakature, ngā Whakaaetanga Nōhanga Kōtūi Tiaki Taiao i waenga i a DOC me ngā iwi, Ngā Mahere me ngā Rautaki Whakahaere Tiaki Taiao, te whakatū pūnaha e mahi tahi ai te mana kāwanatanga me te mana whakahaere ki runga i ngā rawa taiao, me te whakatangata ā-ture i ngā āhuatanga ahurei o te taiao ki te tangata whenua.

Ko Te Urewera, Te Awa Tupua me Waikato Awa te hua o ēnei tūmahi o te wā.¹³⁰ Arā hoki ōna paku rerekētanga tētahi i tētahi, ko ētahi e whakaū ana i te hanga nei te whakatangata ā-ture, ko ētahi kua piki ake te taha tuku mana whakahaere/mana kāwanatanga rānei ki te tangata whenua i ngā takiwā kei reira e hōhonu ana ō rātou pakiaka me ā rātou kerēme.

Heoi, e tukuru ana te kōrero a te ODG kāore he rautaki tohutohu mō te whakaea i ngā hē ki Te Tiriti. Ka mutu, kia kua te tangata whenua e noho whāiti ki ngā whakaūnga whakatau anake a Te Tiriti e ea ai, e taea ai tō rātou rangatiratanga, kaitiakitanga i runga i ō rātou whenua, wai me ētahi atu taonga. Ahakoa me whakamānawa ngā whakaūnga whakatau me ngā whakaritenga o nāianeī, o muri ake hoki, kāore e oti mai i reira te pitomata eke panuku o ngā mātāpono o Te Tiriti. He waihanga takohanga tā ngā mātāpono o Te Tiriti me wāhanga 4 ahakoa ngā whakaūnga whakatau a Te Tiriti.

Āpiti atu ki te tūāpapa mō ēnei panonitanga, kua tuhia e te Te Rōpū Whakamana i Te Tiriti:

- “ko te āhua nei me mātua raweke pea te Conservation Act” kia tutuki ai te hōhonu o te tuku mana whakahaere e tika ana mō ētahi āhuatanga.¹³¹
- “He ngoikoretanga ō ngā pūnaha me ngā kaupapa here a te Karauna mō te whakahaere tiaki taiao e whakaturehia ana e ngā mātāpono Tiriti”, ā, “kia whakahoutia ngā pūnaha me ngā kaupapa here ko te mātāpono o te hoa kōtūi kei te kūrāe o te whakaaro o taua whakahoutanga;¹³² ā,

130 I whakatūria e Te Urewera Act 2014 ko Te Urewera hei hinonga ā-ture i runga i tōna ake mana. Ka unuhia hoki ngā whenua o te Pāka ā-Motu o Te Urewera i te National Parks Act 1980, ā, ka riro aua whenua i te hinonga ā-ture hou hei whakahaeretanga mā tētahi poari e noho mai ai a Tūhoe me ētahi tāngata hei kopounga mā te Karauna. Ka whakaritea e te Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 me te Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 tētahi pou tarāwaho ā-ture mō te whakahaerenga tahitanga [ki ōku whakaaro, ka ea i te “whakahaerenga” ko te governance me te management] o Waikato Awa, te awa roa rawa o Aotearoa. Ka whakamānawatia e Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 ko Te Awa Tupua - arā ko te awa o Whanganui mai i ngā maunga ki te moana, tae atu ki ōna wāhanga kikokiko me ōna wāhanga wairua - hei mea ora, hei mea kotahi e kore nei e taea te wāwāhi, me tōna ake āhuatanga ā-ture. Waihoki ka tukuna atu ki Te Awa Tupua ko te wāhanga a te Karauna o te takere o te awa o Whanganui.

131 Te Rōpū Whakamana i Te Tiriti o Waitangi, *He Whiritaunoka: The Whanganui Land Report* (Wai 903, 2015), Pukapuka 3 kei 1235.

132 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011), Pukapuka 1 kei 345.

- Me arotake ngā hoa kōtui i te whakaConservation Act katoa...mā roto mai o te hoa kōtui pono i waenga i te Karauna me te Māori kei reira e whai wāhi ana ngā tauira hou mō te whakatau me te whakahaere”, ā me te tāpiri atu “i te mea kua herengia e te whakature te āhei ki te whakatinana i te kaitiakitanga, mā te arotake nei e tautuhi mai, e whiriwhiri huarahi e unuhia ake ai. Ka mutu, ka pūrangiaho te kite a DOC e kore hoki e hapa ka wātea rātou ki te whai i ngā ara auaha hei whakatutuki i ōnā takohanga wāhanga 4”.¹³³

Ngā Tikanga, Te Kawa me te Mātauranga

Kāore e hapa ko te whakaūnga me te whakamahinga o ngā tikanga i Aotearoa he poumatua nui nō roto mai o ngā takohanga ka puta ake i Te Tiriti me ōna mātāpono.

He rite tonu te kitea e te Rōpū Whakamana i Te Tiriti o Waitangi, kei te Atikara 2 o Te Tiriti e mau ana te whakahaumarua o ngā tikanga me ngā uara ahurea o te tangata whenua.¹³⁴ Nā reira nei i taurangitia ai e Te Tiriti kia mau tonu i te tangata whenua tōna mana me te pēnā anō mō te whakaū me te whakamahi i te kawa, ngā tikanga me te mātauranga.

E mōhiotia ana he mātāpono taketake o te ture whānui ka noho tonu ki ngā iwi taketake āna tikanga me āna ritenga, ā, ka āhei i raro i te ture mehemea kāore anō taua ture kia whakakorengia atu.

mātua tahuri mai te ture whānui “received” kia pai ai ngā tikanga, ka tahi. Ka rua, ki te tūpono pā he ngoikoretanga tō te ture whānui, mātāmua ko ngā tikanga. Waihoki, kei te mārāma haere ki ngā Kōti ngā tikanga nei me te whāngai atu anō ōna i te ture whānui o Aotearoa; he mea āpiti “he uara”, he “ahomatua”, ā, he “poumatua” ngā tikanga o te ture whānui, he mea whakature, he tūtahi pēnei kāore i raro i te whakature o Te Tiriti me ōna mātāpono.¹³⁵

133 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011), Pukapuka 1 kei 367.

134 Te Rōpū Whakamana i Te Tiriti o Waitangi *Motunui-Waitara Report* (Wai 6, 1983) kei 51. Tirohia hoki Te Rōpū Whakamana i Te Tiriti o Waitangi *Report of on the Orakei Claim* (Wai 9, 1987) kei 134-135; Te Rōpū Whakamana i Te Tiriti o Waitangi *Ngāi Tahu Land Report* (Wai 27, 1991) kei 824; Waitangi Tribunal *Mohaka River Report* (Wai 119, 1992) kei 63.

135 Tirohia te huhua nei, *Takamore v Clarke* [2012] NZSC 116, [2013] 2 NZLR 733; *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2021] NZSC 127 kei [169]; *Proprietors of Wakatū v Attorney-General* [2017] 1 NZLR 423 kei [670] per Glazebrook J; *Tukaki v Commonwealth of Australia* [2018] NZCA 324 kei [27]; *Te Ara Rangatu o te Iwi o Ngāti Te Ata Waiohua Inc v Attorney General* [2019] NZAR 12; me *Ngāti Whātua Ōrakei Trust v Attorney General* [2019] 1 NZLR 116 kei [77] e ai ki Elias C.J.

He mea whakapuaki e Kaiwhakawā Matua Joe Williams (ki ōna ake whakaaro) i te mea ko tēnei mea te tikanga “te ture tuatahi o Aotearoa” kei te “tōia ki roto ki ngā mahi whakatau o te ao auraki” i raro anō i te tauira “whiria kia haere tonu ai”¹³⁶. Ko tā te kēhi a te Kōti Pira mō *Takamore v Clarke*, tāna kōrero mō te hononga o Te Tiriti ki te māramatanga o ngā tikanga i raro i te ture whānui:¹³⁷

Ehara i te mea me whakapono mārika... ki te kī noa iho me kaha te whakamahia o te ture whānui o Aotearoa, kia rite tahi hoki tōna whanaketanga i te taha o Te Tiriti o Waitangi.

Inātata nei, i te kēhi mō *Ngāti Whatua Orakei Trust v Attorney General*, i whakaae te Kōti Matua “e ai ki te tikanga, he mōtika ā-ture pea ngā mōtika me ngā pānga e mārāma ana ki te ture whānui.”¹³⁸

E rangitāmiro ana te tikanga, te kawa me te mātauranga ki te māramatanga, te whakahaumarū te āhei ki te whakatinana i te rangatiratanga me te kaitiakitanga e ai ki Te Tiriti me ōna mātāpono. Ina koa, he rite tonu te māramatanga a te Rōpū Whakamana i Te Tiriti o Waitangi ki ngā take e pā nei ki te tiaki taiao me te taiao, hōrapa noa te nuinga o āna pūrongo.

Nā reira, ina whiriwhiri ana i te whakamahia me te putanga o wāhanga 4, ko te māramatanga me te whakamahia o te tikanga, te kawa me te mātauranga e hāngai ana ki te tiaki taiao, te whakatinanatanga o te rangatiratanga me te kaitiakitanga, me noho poutokomanawa tonu ki te nōhanga kōtui o DOC rāua ko te tangata whenua me tā DOC whakatutuki i ōna takohanga ā-ture.

Takohanga o te Ao

I tā mātou arotake, i mahara anō te ODG ki te huhua o ngā painga o te ao, ngā whakaaetanga me ngā tukanga e hāngai pū ana ki te tika me te pono o te kaupapa here tiaki taiao, me te urunga hoki o te Kāwanatanga o Aotearoa i tēnei taumata o te ao. E tākina nei: United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**); the Intergovernmental Platform on Biodiversity and Ecosystem Services (**IPBES**); resolutions and standards of the International Union for the Conservation of Nature (**IUCN**) and the United Nations Convention on Biological Diversity (**CBD**) and the CBD Nagoya Protocol (**Nagoya Protocol**).

136 Kaiwhakawā Matua Joseph Williams, “Lex Aotearoa: An Heroic Attempt to Map the Māori Dimension in Modern New Zealand Law” (2013) *Waikato Law Review* 21 kei 32. Tirohia hoki Ani Mikaere, “The Treaty of Waitangi and Recognition of Tikanga Māori” kei roto o Michael Belgrave, Merata Kawharu me David Williams (eds), *Waitangi Revisited: Perspectives on the Treaty of Waitangi* (2nd ed, Oxford University Press, Auckland, 2005) kei 330.

137 *Takamore v Clarke* [2011] NZCA 587, [2012] 1 NZLR 573 kei [249].

138 *Ngāti Whatua Orakei Trust v Attorney General* [2018] NZSC 84, kei [77].

I kīia ake rā, kua hopukina e te Rōpū Whakamana i Te Tiriti ētahi o ngā mōtika whaimana a UNDRIP.¹³⁹ Ko tā ngā Kōti kāore he take o te uru hōhonu ki UNDRIP i te mea inā te toronga ā-ture ki ngā mātāpono o Te Tiriti i whakatau rā rātou i mua ko Te Tiriti te pūtake mātāmua o ngā takohanga i Aotearoa.¹⁴⁰ Ahakoa tēnā, e taunakitia ana e UNDRIP me ētahi atu pūnaha o te ao he mea nui kia whaimana te whakaputanga o Te Tiriti me ōna mātāpono ki te wāhi o te tiaki taiao, puta i te motu me te ao.

Nā konā e nukunuku nei te ODG ki raro iho o ngā āhuatanga nui o UNDRIP me ētahi atu pūnaha o te ao e hāngai ana ki te tiaki taiao. Ko tā ODG titiro he mea whakakaha ngā takohanga ka puta ake i raro i Te Tiriti me ōna mātāpono e ngā pūnaha o te ao. He whakaū, he tautoko anō i ā mātou tūtohunga o roto i tēnei Pūrongo.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

I te tau 2010 he mea waitohu te UNDRIP e te Kāwanatanga o Aotearoa. He mōtika nui tonu ēnei e takoto ana i UNDRIP. Ko ngā mōtika a UNDRIP e hāngai ana ki te wāhi, te mahi a te tangata whenua e pā ana ki ngā rawa tiakanga taiao me ngā taonga o roto, ka āhei te whakawehewehe kia pēnei:

- Te whakaae/te whai mōtika ki te tino rangatiratanga hei mōtika nunui e tāmiro ai ērā atu o ngā mōtika.¹⁴¹

139 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Whaia te Mana Motuhake/In Pursuit of Mana Motuhake: Report on the Māori Community Development Act Claim* (Wai 2417, 2015); me *United Nations Declaration on the Rights of Indigenous Peoples A/Res/61/295* (2007) (UNDRIP), Atikara 3 me 23.

140 Hei taura, i roto o te Kaunihera Māori o Aotearoa ki te Rōia Matua 2013] NZSC 6 kei te [92], ka whakapuakina e te Kōti Matua te “korenga ōna e whakapono he tino tāpiritanga tā te Whakaputanga ki ngā mātāpono o te Tiriti e whakamānawatia ā-turetia ana i raro i te State-Owned Enterprises Act 1986”. I roto o Klink ki Te Mana Rauhi Taiao [2019] NZHC 3161 kei te [85], ka kīia e te Kōti Teitei “kua kapi te wāhi o te herenga kia whai whakaaro ki ngā whakaaetanga ā-ao pēnei me te UNDRIP i ngā ritenga mārama o te Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012”.

141 UNDRIP, Atikara 3.

- Te whakaae/whai mōtika ki te tino rangatiratanga me te uru ki ngā mahi whakatau take e pā nei ki a rātou (pēnei me te whakamarohi whāinga mātāmua me te rautaki mō ō rātou whenua, takiwā me ngā rawa).¹⁴² Tētahi mea mīharo, pēnā me tērā, ko te takohanga e utaina ana ki te Kāwanatanga o te rā, arā, he whakarato pūnaha whaitake mō te whakaae, te whai kia rahi hoki ngā pūnaha hei whakaiti i ngā tūkinu ki te taiao, te ahurea me te wairua.¹⁴³ Waihoki, ko te taumata me te hiahia kia riro mai he whakaaetanga here kore, tōmua me te whaimōhio a ngā iwi taketake e hāngai ana ki: te kāhakina o ngā whenua me ngā rohe iwi taketake; te pānga ki a rātou o te hanga ture me te pūnaha whakahaere; me te pānga o ngā hinonga ki ō rātou whenua, ō rātou rohe me ētahi atu rawa.¹⁴⁴
- Te uru atu me te whakamahi ki tā ō mua ritenga, tae atu ki: te whakatū me te whakamāui ake i ngā ritenga ahurea me ngā tikanga; te whakapai, te whakahaumaruru me te uru ki ngā wāhi ahurea; te pupuri me te whakarenarena i te hononga ahurei ā-wairua ki ngā whenua, ngā rohe, ngā wai, ngā takutai moana me ngā rawa; me te noho hāneanea e matareka ai ō rātou oranga, whakamarohi hoki.¹⁴⁵ E hāngai ana anō te takohanga o te Kāwanatanga o te rā mō te whakaae mā ngā pūnaha whaitake.¹⁴⁶
- Te whai mōtika ki te tiakanga me te whakahaumaruru o te taiao, me te pitomata whakatupu o ō rātou whenua, rohe rānei me ngā rawa, tae atu ki te tiakanga o ngā rākau rongoā, ngā kararehe me ngā kohuke, ka mutu, kia arumia e te Kāwanatanga o te rā tōna takohanga ki te kōkiri e tutuki pai ai taua mōtika me te aru anō kia whakahaeretia he hōtaka hāngai.¹⁴⁷
- Te whai mōtika ki ngā whenua, ngā rohe me ngā rawa i ora ai rātou mai iho, me te mahi a te Kāwanatanga o te rā, tōna takohanga ki te whakature me te whakahaumaruru i ēnei whenua, rohe me ngā rawa i runga anō i ngā tikanga me ngā ritenga o aua iwi taketake.¹⁴⁸
- Te whai mōtika ki te whakaae me te utu paremata e tika ana, ā, e wātea ana ki te toro pūtea me te tono āwhina hangarau e matareka ai ngā mōtika o roto mai o tēnei Tauākī.¹⁴⁹

142 UNDRIP, Atikara 32(1).

143 UNDRIP, ngā Atikara 10, 19 me 32(2).

144 UNDRIP, Atikara 32(3).

145 UNDRIP, ngā Atikara: 11, 12, 20 me 25.

146 UNDRIP, ngā Atikara: 11(2), 12(2).

147 UNDRIP, ngā Atikara: 24(2) me 29(3).s

148 UNDRIP, Atikara: 26(1) me 26(3).

149 UNDRIP, ngā Atikara: 28, 10 me 39.

Ki te titiro a te nuinga he matapopore kē te wairua o UNDRIP kāore hoki e whai ture. Ahakoa tērā, i te tau 2019 i whakatūria e te Kāwanatanga tētahi rōpū motuhake māna e hanga tētahi mahere me tētahi rautaki whakawhitiwhiti kōrero e hua mai ai a UNDRIP. Ko te pūrongo nei *He Puapua* te putanga.¹⁵⁰ Ko tōna kitenga whakamua, ina tae ki te tau 2040 tērā ka tutuki i Aotearoa ngā tauākī o UNDRIP, ā, ka mea rātou ki te whakatakoto tūtohunga ki te hanga i tētahi Mahere Tauākī o te motu. He mea hora anō e *He Puapua* he kōwhiringa me ētahi taurira whakaari i te āhua o te whakatutuki ā-tiriwā i ngā tauākī o UNDRIP, tae atu ki te tiakanga taiao.

Ki tā ODG ko te puiaki o UNDRIP kei tōna whakamōhio haere i te āhuatanga o ngā hononga o te tangata whenua ki ngā rawa tiakanga taiao, me te aha, he whakaū tāna i ngā mātāpono maha ka rere mai i Te Tiriti ake.

Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES)

I te tau 2019, i whakaputaina e te Huinga Tuawhita a te IPBES tētahi Pūrongo Arotake i ngā Ratonga Rerenga Rauropi me ngā Ratonga Pūnaha Rauropi o te Ao.¹⁵¹ I takea mai te pūrongo i te arotake nahanaha o tōna 15,000 puna kōrero pūtaiao, kōrero kāwanatanga hoki, ā, ka tō mai te Pūrongo Arotake (mō te wā tuatahi ki tēnei taumata) i ngā mātauranga iwi taketake me ngā mātauranga ā-rohe, ka wherawhera hoki i ngā take e pā ana ki ngā Iwi Taketake me ngā Hapori ā-Rohe.¹⁵²

Ko tā te Pūrongo Arotake whakataunga ia he tere noa atu te tauhekenga haeretanga o te taiao puta i te ao, kātahi anō ka pēnei te tere i te hītori katoa o ira tangata, ā, e teretere haere ake ana te matenga ā-moatanga o ngā momo koirora. Ka arongia te tauhekenga o te rerenga rauropi i ngā whenua katoa o te ao, ka pūrongo hoki te arotakenga nei he pōturi iho te tauhekenga i runga i ngā whenua e puritia ana, e whakahaeretia ana e ngā iwi taketake, tēnā i runga whenua kē.¹⁵³

E hāngai ana te kitenga nei ki tā te ODG kitenga ka pai atu ngā putanga rerenga rauropi i Aotearoa mehemea ka nui atu te wāhi ki te tangata whenua i ngā mahi whakahaere i ngā wāhi e ora rawa ai te mauri o te rerenga rauropi, me ngā wāhi ingoa-nui ki te tangata whenua.

150 He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand (1 Noema 2019).

151 Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services E S Brondizio, J Settele, S Díaz, and H T Ngo (eds) (Intergovernmental Platform on Biodiversity and Ecosystem Services, 2019). Ko te Pūrongo Aromatawai nei te mea mātotoru rawa atu i mahia mai anō, ā, koinei te pūrongo tuatahi i waenga kāwanatanga o tēnei momo pūrongo, ka turuki ake i te Millenium Ecosystem Assessment te para huarahi nei, ka whakatakina hoki ētahi mahi atamai rawa mō te aromātai taunakitanga.

152 Tirohia hoki “Media Release: “Media Release: Nature’s Dangerous Decline ‘Unprecedented’; Species Extinction Rates ‘Accelerating’” Intergovernmental Platform on Biodiversity and Ecosystem Services: www.ipbes.net.

153 Pānui Pāpāho: ‘Islands of nature in a sea of decline – indigenous and local knowledge, action and contributions key to saving the world’s nature’” (6 Mei 2019) Forest Peoples Programme: www.forestpeoples.org.

International Union for the Conservation of Nature (IUCN)

He Ūniana whai mema te IUCN, ā, he rōpū tūmatanui, he rōpū tūao tūmataiti hoki ōna mema. E whakaarohia ana a IUCN ko te rōpū mātanga o te ao mō te āhua o te taiao, me ngā mahi e hiahia ana hei whakahaumarū i taua taiao.¹⁵⁴ He mema whenua a Aotearoa o te IUCN i roto i a DOC me te NZCA, ā, whakamahia ai ētahi paerewa huhua a IUCN hei aromatawai i te rerenga rauropi, i te tauhekenga momo koiora, hei whakahaere whenua tiaki taiao hoki.¹⁵⁵ Inā rā, he mea pā kaha te pūnaha e whakamahia ana e DOC mō te whakarōpū i ngā whenua tiaki taiao o Aotearoa¹⁵⁶ nā te pūnaha whakarōpū whenua tiaki taiao o te ao a IUCN.¹⁵⁷

Heoi anō, ka arongia e te ODG te aweretanga mārama nei i tā Aotearoa pūnaha o ngā whenua tiaki taiao i whakarōpūtia ki raro i te kāwai VI o tā IUCN pūnaha. Ka tiakina tahitia ngā pūnaha rauropi me ngā nōhanga o te kāwai VI i te taha o ngā uara ahurea e hāngai ana, me ngā pūnaha whakahaere rawa taiao tuku iho. Ko te nuinga he rahi rawa, e noho māori ana te nuinga o te whenua, e whakahaeretia ana tētahi wāhi i runga i ngā tikanga tiaki rawa taiao e ora tonu ai tōna mauri, ā, e whakaarohia ana hei whāinga matua o te takiwā ko te whakamahinga iti o ngā rawa taiao kua mō ngā mahi ahumahi e pai ai te noho tahi ki te tiakanga taiao.

E hāngai ana ki ā te ODG mahi ko te tātairanga o ngā ICCA (arā, ko ngā whenua e tiakina ana e ngā iwi taketake, e ngā hapori ā-rohe hoki) i noho hei kaupapa kōrero ā-ao, hei kaupapa ōkawa nei mai anō i te Hui Taumata Tiaki Taiao o te Ao 2008 a te IUCN i Barcelona. Ka whakamanatia ōkawatia e te IUCN me te CBD hei kaupapa whakahaerenga matua i roto i ngā mahi tiaki taiao.¹⁵⁸

154 “About” International Union for Conservation of Nature: www.iucn.org.

155 Hei taura, ka whai te New Zealand Threat Classification System i tā te IUCN pūnaha Red List Category: Tirohia “Conservation status of plants and animals”: <https://www.doc.govt.nz/nature/conservation-status/>.

156 “Categories of conservation land” Te Papa Atawhai: <http://www.doc.govt.nz/about-us/our-role/managing-conservation/categories-of-conservation-land/>.

157 “Protected Area Categories” International Union for Conservation of Nature: <https://www.iucn.org/theme/protected-areas/about/protected-area-categories>.

158 “ICCA for biological and cultural diversity” International Union for Conservation of Nature: <https://www.iucn.org/news/protected-areas/201905/iccas-biological-and-cultural-diversity>.

Ko ngā ICCA he momo whakahaerenga e noho ana i te taha o ētahi atu kōmakatanga o ngā rohe e tiakina ana. He pūnaha rauropi māori, he pūnaha rauropi i raweketia hoki/rānei ēnei, kei roto ko ngā uara rerenga rauropi, ngā ratonga hauropi, me ngā uara ā-ahurea, ā, e tiakina ā-tūaotia ana e ngā iwi taketake, e ētahi atu hapori hoki i runga i ngā ture ā-rohe, ngā ture tuku iho rānei. Waihoki kei ngā wāhi taiwhenua me ngā wāhi taimoana ēnei. Tirohia hoki: Fikret Berkes “Community conserved areas: Policy issues in historic and contemporary contexts” (2008) 2(1) Conservation Letters 20.

Tērā pea ka ora atu te rerenga rauropi, ka pai atu hoki ngā putanga Tiriti tēnā i ō nāianeī nā runga i te whakamahinga o tētahi kāwai i roto i tā Aotearoa pūnaha whenua tiaki taiao e rite ana ki tā IUCN Kāwai VI me te whakamahinga o tā ICCA hoki. I arotakea hoki e te ODG te rārangi katoa o ā IUCN whakataunga e pā ana ki ngā iwi Taketake me ngā mahi tiaki taiao, ā, ka tukaru i te huhua o ngā whakataunga hei painga mō ngā iwi taketake i whakahētia rā e te Kāwanatanga o Aotearoa, mā roto i a DOC. I kōrerohia e ētahi o aua whakataunga huhua te UNDRIP, ā, kua oti i a Aotearoa te UNDRIP te whakamana, nā reira e whakaaro ana te ODG e tika ana kia kōhure rawa aua whakahētanga.

Te Huinga mō te Rerenga Rauropi (CBD) me te Whakaaetanga o Nagoya

I whakaaetia e Aotearoa te Huinga mō te Rerenga Rauropi, ā, kua kakama hoki āna mahi i roto i ngā hui katoa a te CBD.¹⁵⁹ E toru rawa ngā whāinga matua a te CBD: ko te tiakanga o te rerenga rauropi, ko te oranga tonutanga o ōna wāhanga, ā, ko te tohanga tōtika, te tohanga tōkeke o ngā hua e puta mai ana i ngā rawa ā-ira. I whai wāhi tētahi apatono a te Rōpū Whakakotahi, i aratakina rā e Te Arikinui Kahurangi Te Atairangikaahu, ki tā Aotearoa waitohutanga o te CBD i te 1992 UN Conference on Environment and Development. Mai anō i taua wā he kaha tonu te tangata whenua ki te uru ki ngā tukanga a te CBD, inā koa ko ngā āhuatanga e pā ana ki ngā mahi a te ohu mahi o te Atikara 8(j).

E whakamanatia ana e te CBD te mana motuhake o ngā iwi Taketake me ngā hapori ā-rohe e pā ana ki te rerenga rauropi, me te wāhi motuhake ki ngā iwi Taketake me ngā hapori ā-rohe i te tiakanga mauri ora i runga o Papatūānuku. He mea whakaū taua whakamanatanga i roto i te kupu whakataki o te CBD, me ōna ritenga anō hoki. Koinei te take i takatū ai ngā Rōpū, i roto i te Atikara 8(j) o te CBD, ki te whakamana, ki te tiaki, ki te whakauka hoki i te mātauranga, ngā mahi hou, me ngā mahi hoki a ngā iwi Taketake me ngā hapori ā-rohe e tika ana mō te tiakanga o te rerenga rauropi. Waihoki mō te whakatairanga hoki i tōna whakamahinga whānui tonu, i runga anō i te whakaaetanga a ngā pou kōrero, me te whakahau hoki kia tuaritua tōkeketia ngā hua e ahu mai ana i te whakamahinga o te rerenga rauropi. Me te aha anō, e whakauruutia haeretia ana ki roto ki ngā hōtaka mahi katoa i raro i te CBD ko ngā take e pā ana ki te mātauranga tuku iho a ngā iwi Taketake me ngā hapori ā-rohe, he hāngai rawa nō aua āhuatanga ki ngā mahi a te CBD.

He huhua ngā whakataunga me ngā whakaaetanga a te CBD e whaihua ai te whakamahinga i roto i te horopaki o tā te ODG arotake, engari ko te mea e tino hāngai ana ko te Whakaaetanga o Nagoya.¹⁶⁰ He whakaaetanga ā-ao te Whakaaetanga o Nagoya e whai nei ki te tohatoha i ngā painga e ahu mai ana i te whakamahinga o ngā rawa ā-ira, waihoki te tōtika me te tōkeke hoki o te tohatohanga.

159 “Convention on Biological Diversity” Te Papa Atawhai: <https://www.doc.govt.nz/about-us/international-agreements/convention-on-biological-diversity/>.

160 Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2014). <https://www.cbd.int/abs/>.

Kāore anō kia oti i te Kāwanatanga o Aotearoa te Whakaaetanga o Nagoya te whakamana, ā, ko āna take ko ngā take e tārewa tonu ana, i ahu mai i te kerēme WAI262. Heoi anō ka tohua tonutia e te Whakaaetanga o Nagoya tētahi tohu nui a te hāpori o te ao o ngā mahi e whakaarohia ana he mahi pai. Hei tā te ODG tirohanga, he tohu te korenga o te Kāwanatanga o Aotearoa e piri ki te Whakaaetanga o Nagoya, o ngā āputa huhua e tauwehe ana i ngā whakamarohitanga ā-ao o ngā mahi pai i te āhua o ā nāianei kaupapa here tiaki taiao e pā ana ki te tangata whenua i Aotearoa.

Tūtohunga

Ngā Tāhū Kōrero

E whakarōpūtia ana ā te ODG tūtohunga ki ngā tāhū kōrero e whitu. E tautokona ana tēnā me tēnā o ngā tāhū kōrero e tētahi whakataukī. Kotahi te tūtohutanga tūāpapa (e whitu rawa ngā tūtohunga matua) tō tēnā me tēnā o ngā tāhū kōrero, ā, kei waenga i te kotahi me te rima ngā tūtohunga mātāmuri (hui katoa, 17 rawa ngā tūtohunga mātāmuri). I ngā wāhi e tika ana, e tūtohu ana te ODG i ētahi huarahi āmiki tonu hei whakatutuki i te tūtohunga mātāmuri.

Ko ngā tāhū kōrero nunui e whitu, me ā te ODG tūtohunga matua, ko ēnei:

- 1. Whakahouanga Tūturu:** Whakaumutia te tiakanga taiao mā te whakahouanga tūturu o te pūnaha tiaki taiao.
- 2. Pūtake o te Tiakanga Taiao:** Whakahoutia ngā whakaaro ki te pūtake o te tiakanga taiao hei whakaū i te whaitake ōna i runga o Aotearoa.
- 3. Kawa, Tikanga, Mātauranga:** Poua te kawa, ngā tikanga me te mātauranga ki te pokapū o te pūnaha tiaki taiao.
- 4. Te Whenua, Te Wai, Ngā Rauemi, Ngā Momo Koiora Taketake Me Ētahi Atu Taonga:** Whakahoungia te tūnga ā-ture o ngā whenua tiaki, te wai, ngā rauemi, ngā momo koiora taketake me ētahi atu taonga.
- 5. Nōhanga Kōtui Tiriti:** Whakahoutia te kāwanatanga, te whakahaerenga hoki o ngā mahi tiaki taiao hei whakaahua i te nōhanga kōtui Tiriti ki ngā taumata katoa.
- 6. Tino Rangatiratanga:** Whakaaetia te tukunga mana, te tukunga kawenga tae rawa atu ki te mana whakatau kaupapa kia motuhenga ai te whakamānawatanga o te tūnga, o te whakatinatanga hoki o te rangatiratanga.
- 7. Ngā Rauemi:** Whakawhanaketia ngā pūkenga, te raukaha hoki o DOC, o te tangata whenua hoki kia mana ai Te Tiriti.

I roto i tēnei wāhanga o te Pūrongo, e wherawherahia ana ngā pitopito kōrero o ngā tāhū kōrero e whitu, tae atu ki ngā tūtohunga matua me ngā tūtohunga mātāmuri o tēnā o tēnā.

Te wātaka

Kei raro iho nei, kei tēnei wāhanga o te Pūrongo e tautuhia ana ā te ODG tūtohunga (me ngā tūtohunga mātāmuri) e ai ki ngā wātaka e rua:

- (a) ko ngā tūtohunga mō te wā nei e taea ana te whakatinana i nāia tonu nei (arā, hei te 2022); ā,
- (b) ko ngā tūtohunga whakahouanga tūturu e taea ana te whakatinana i roto i ngā tau e rima nei (arā, hei te 2026).

Ka aro ngā tūtohunga o te wā nei ki te whakahouanga o te tuhinga o ngā Kaupapa Here Arowhānui, ngā panonitanga o te whakatinanatanga o te tiakanga taiao (nā te mea me tuku iho ētahi panonitanga o ngā Kaupapa Here Arowhānui ki te āhua o te whakatinanatanga o te tiakanga taiao), me te whakawhānui i te āheinga, i te raukaha hoki o DOC me te tangata whenua kia mana ai Te Tiriti i roto i te pūnaha tiaki taiao. Ka aro ngā tūtohunga whakahouanga tūturu ki te whakaumutanga o te pūnaha tiaki taiao mā te panonitanga o ngā ture, me ngā rauemi hei whakatutuki, hei whakauka hoki i aua panonitanga.

He putanga te wāwāhitanga o te wātaka o ngā herenga ā-ture e taupā ana i te whakahouanga o te tuhinga o ngā Kaupapa Here Arowhānui kia hāngai ai ki ā DOC herenga Tiriti. Ko ngā Kaupapa Here Arowhānui nei te taumata tiketike rawa o ā DOC kaupapa here e ārahi ā-ture ana i te whakatinanatanga o te pou tarāwaho whakature. Heoi anō, ka whakatakoto ngā ture o nāianei i ngā rohenga me ngā herenga o ngā Kaupapa Here Arowhānui, me ngā whakarawe e taea ai aua āhuatanga te whakatinana. E ai ki te tirohanga a te ODG, mā konei e herea ai te āheinga o ngā Kaupapa Here Arowhānui ki te arataki, me te whai hua hoki o taua aratakinga, tae atu ki tō DOC āheinga ki te whakatinana, i tētahi pūnaha tiaki taiao e tino whakaahua ana, e tino whakatinana ana i ngā herenga Tiriti i whakahautia rā i roto i te wāhanga 4.

Nō reira, ahakoa te aronga matua o tā te ODG mahi, arā, te arotake whāiti o ngā Kaupapa Here Arowhānui, e pupuri ana mātou ki tā mātou, arā, me menemana te Conservation Act (me te huinga o ngā ture e pā ana, tae atu ki te National Parks Act) kia taea ai ngā tūtohunga i roto i te Pūrongo nei te whakatinana noa atu. Me te aha ka hiahitia kia arotakea anō ngā Kaupapa Here Arowhānui kia oti rā anō te whakahouanga o te pūnaha tiaki taiao me ōna ture tautoko. Ka arongia e mātou i tautokona e ngā iwi, ngā hapū me ngā whānau te hiahia o ngā panonitanga whaitake mō te wā nei, o te whakahouanga tūturu hoki, i te roanga o ā te ODG huinga whakawhiti kōrero.

Ngā Kaupapa Here Arowhānui

Ahakoia kua whakaurua e mātou ētahi tūtohunga e hāngai ana ki te whakahouanga o te tuhinga o ngā Kaupapa Here Arowhānui i roto i ngā Tāhū Kōrero Rua ki te Whitu, kīhai mātou i whakauru i te whakahouanga o te tuhinga o ngā Kaupapa Here Arowhānui hei tūtohunga tūhāhā, hei tūtohunga tūāpapa rānei i āta whakatakotoria. Heoi anō, i runga i te whakahau mārama tonu a ō mātou tikanga whakahere, kua oti i a mātou te marohi tētahi Ūpoko 2 i tuhia anō, e kīia nei ko “Te Tiriti o Waitangi/ Treaty of Waitangi responsibilities”. Kei te **Āpitianga 2** o te Pūrongo nei e takoto ana.

I roto i tēnei āhuetanga, e whakaaro ana te ODG me menemana rawa te Ūpoko 2 o ngā Kaupapa Here Arowhānui hei mahi nunui i nāia tonu nei, kia mārama rawa, kia kua hoki e whakatuapeka te whakaahuetanga o ngā herenga Tiriti katoa tokitoki e hāngai mai ana nā runga i te wāhanga 4. Waihoki me aro rawa ka kore noa ngā kaupapa here tiaki taiao a te Karauna, me te whakatinanatanga hoki, e kapi i te wāhi ki te whakahau ā-ture, e turaki rānei i aua whakahau. Kei roto i te tuhinga hou o te Ūpoko 2 e marohitia nei ko ētahi menemana:

- e whakamānawa ana, e tiaki ana, e hāpai ana hei kaupapa nui i ngā pānga o te tangata whenua, tae atu ki te whakatinanatanga o te tino rangatiratanga me te kaitiakitanga, e pā ana ki ngā whenua, ngā wai rere me ētahi atu taonga kei raro i te whakahaerenga a DOC;
- e whakamānawa ana me pā atu, me urutau hoki ngā mātāpono o Te Tiriti ki ngā āhuetanga o te rohe, ā, me whanake hoki i te takanga o te wā, i te aranga hoki o ētahi āhuetanga hou;
- e whakaahua ana i te whakatūturutanga a Te Kōti Matua i *Ngāi Tai ki Tāmaki*, arā:
 - kāore e turakina te herenga kia whakamana i ngā mātāpono o Te Tiriti ētahi atu take e takoto ana i roto i ngā Conservation Act (hei tauira te whai wāhi a te marea, te whakarekareka, te ngahau me ngā mahi tāpoi);
 - ehara tēnei mea te whakamanatanga o Te Tiriti i tētahi mahi whakataurite kau i ētahi atu āhuetanga e pā atu ana; ā,
 - ko te mea e hiahiatia ana ko tētahi tukanga e eke ai ētahi atu whāinga ā-ture, ki te taumata e taea tonutia atu ana i raro i te wāhanga 4, e mana nui ai ngā mātāpono o Te Tiriti e tika ana;
- e whakaahua ana i hāpaitanga ake o te reo i te “pea”, “me” rānei e wātea ai te tangata ki te mahi, ki tētahi “ka” (he whakahau rānei) e herea ai te tangata ki tēnei mahi i roto i ngā mahi tiaki taiao katoa (tae atu ki te wāhi mō te nōhanga kōtui, te tino rangatiratanga, te whai wāhi, te whakamahinga, me te mātauranga. Mā reira e whakaahuatia ai te nui whakaharahara o ō DOC herenga Tiriti; ā,
- e hāngai te menemanatanga o te whakamārama o ngā “Mātāpono o Te Tiriti o Waitangi” i roto i te kuputaka o ngā Kaupapa Here Arowhānui ki ngā mātāpono e whakaaetia ana e ngā Kōti, e Te Rōpū Whakamana i Te Tiriti o Waitangi hoki (arā, kua ko ngā mātāpono noa iho e “tautuhia ana i ētahi wā e te Kāwanatanga”, pērā i te taukī a ngā Kaupapa Here Matua).

Ko tā te whakahouanga a te ODG i te tuhinga o te Ūpoko 2 ki te whakatakoto i ngā whakaaro, me te akiaki atu hoki i ngā tūtohunga whānui tonu o tēnei Pūrongo. E whakapono ana te ODG me tutuki ināianei ngā panonitanga o te Ūpoko 2, tae atu ki ngā panonitanga e hua mai ana i ērā o ētahi atu ūpoko o ngā Kaupapa Here Arowhānui.

Ngā tūtohunga e ai ki te Tāhū Kōrero

Ka whakatakotoria ki ngā whārangi o tēnei Pūrongo i raro nei ngā tūtohunga matua me ngā tūtohunga mātāmuri a te ODG, me ngā hononga hoki ki tēnā, ki tēnā o ngā tāhū kōrero.

Ka whakaaturia hoki ko ēhea ngā mahi hei mahi ināia tonu nei (mō te tau 2022), ā, ko ēhea hei āta arotake, hei arotake tūturu, hei whakahou anō hoki (mō te tau 2026).

Tāhū kōrero 1. Whakahouanga tūturu

Whakatauki

Nā tō rourou, nā taku rourou, ka ora ai.

Ka kapi i te whakatauki nei te whakaaro, arā, mā te mahi tahi hei haerenga kōtui e whiti atu ai ngā tāngata me te taiao ki tua o te morehutanga, ka tino pūāwai ai.

Tūtohunga 1

Ko te whakaumutanga o te tiakanga taiao mā te whakahouanga tūturu o te pūnaha tiaki taiao.

Tūtohunga mātāmuri

- A.** Me whakahou, me whakakapi te Conservation Act 1987 me ngā Ture rārangi 1 katoa e hāngai ana (tae atu ki ngā hanganga, ngā kaupapa here, ngā rautaki, ngā mahere me te whakatinanatanga e hāngai ana) hei whakamānawa i Te Tiriti, hei whakarite i te wāhi mō te whakatinanatanga tūturu o te rangatiratanga me te kaitiakitanga a te tangata whenua, e taurikura ai a Papatūānuku.
- B.** Me whai tētahi ahunga nōhanga kōtui Tiriti i roto i ngā mahi whakahou tūturu nei i te pūnaha tiaki taiao.

Tūtohunga 1: Ka whakaumutia ngā mahi tiaki taiao mā te whakahouanga tūturu o te pūnaha tiaki taiao

I mārama mai ki te ODG te hiahia ki te panonitanga whakaumutanga mā te whakahouanga tūturu o te pūnaha tiaki taiao i Aotearoa, i te roanga o te tukanga arotake i te mārama haeretanga o ngā wehewehenga nunui i te whānuitanga o te pūnaha i waenga i ngā herenga Tiriti o te Karauna me te āhua, me te whakatinana hoki o te pūnaha tiaki taiao o nāianei, ā, tae atu ki te ora o te rerenga rauropi o Aotearoa e tere tauheke haere nei.

Ahakoia te whakatau a Te Kōti Matua e whakahau ana te wāhanga 4 i a DOC ki te whakatutuki i ētahi atu herenga ā-ture ōna, hei whakariterite hoki i te pūnaha tiaki taiao kia mana nui ai ngā mātāpono o Te Tiriti, kāore e hāngai ki aua mātāpono ko te āhua o te whakamāoritanga, o te whakamahinga hoki o aua herenga. E ai ki te ODG, kua tō te rā ki ngā whakarawe me ngā tukanga, ā-ture mai, ō-waho ture mai, ā, kāore hoki e whaitake kia mana ai ngā mātāpono o Te Tiriti i roto o Aotearoa i te rā nei.

Ka whakaahuatia tētahi hiahia nui ki te whakahouanga mātotoru e te tuputupu haere o te whakamahinga o ngā whakataunga Tiriti kia panoni nui ai ngā pou tarāwaho ā-ture, ngā nōhanga kōtui anō hoki e mahi nei i roto i te ao tiaki taiao. Nā konei hoki i hua ake ai ētahi atu rīrapanga, hei tauira ko te nōhanga mai o ngā whakarawe e takea mai ana i ngā whakataunga Tiriti i te wāhi ki ngā wāhanga ‘o nāianeī’ i ētahi whaitua o ētahi rohe engari kāore i ētahi atu rohe. Waihoki ko te rerekē o te mahi i ētahi whaitua o te rohe kotahi. He uaua hoki mā te ODG ki te whakamārama tōkeke nei i te take, hei tauira, e whakaaro ai te Karauna ka whakaahuatia tikatia e ngā whakaritenga e pā ana ki Te Urewera, ki Te Awa Tupua rānei, ko ō te Karauna herenga Tiriti mehemea kāore ētahi whakaritenga pērā e tāpaetia ki ētahi atu rohe, ko te āhua nei.

Nā reira he mārama hoki ki te ODG me tīmata tētahi pūnaha tiaki taiao e mana ai ngā mātāpono o Te Tiriti ki te arotakenga, ki te whakahouanga o te whakarawe taketake, ka tika – arā, te ture – kia pai ai te whanaketanga o ētahi paenga o te pūnaha – hei tauira ngā Kaupapa Here Arowhānui me ētahi atu rautaki, kaupapa here, mahere, tukanga hoki – me te koke ake anō i reira.

Kei te wāhanga o runga ake i te Pūrongo nei e kīia nei ko “Ngā Take Whakarae” e takoto ana tētahi whakarāpopoto o ngā āwangawanga nui ki te pou tarāwaho tiaki taiao o te wā nei. Kei raro nei e takoto ana ētahi rongoā ki aua āwangawanga nui, kei te tūtohunga mātāmuri 1A, me te 1B hoki. Ka pā atu ngā tūtohunga mātāmuri nei ki te whakahouanga tūturu, ā, me tutuki i roto i ngā tau e rima e tū mai nei. Heoi anō, e tutuki ai i taua wā, me oti i te Karauna ētahi mahi taketake ināianeī hei whakatū, hei whakarewa hoki i te arotake mātotoru, i te tukanga whakahouanga anō hoki.

E hāngai tonu nei ki ngā mātāpono o Te Tiriti, e whakaaro ana te ODG me haere kōtui te Karauna me te tangata whenua hei kōkiri i te arotake mātotoru me te tukanga whakahouanga anō rā.

1A: Me whakahou, me whakakapi te Conservation Act 1987 me ngā Ture rārangi 1 katoa e hāngai ana (tae atu ki ngā hanganga, ngā kaupapa here, ngā rautaki, ngā mahere me te whakatinanatanga e hāngai ana) hei whakamānawa i Te Tiriti, hei whakarite i te wāhi ki te whakatinanatanga tūturu o te rangatiratanga me te kaitiakitanga a te tangata whenua, e taurikura ai a Papatūānuku

Whakahouanga tūturu (i mua i te mutunga o 2026)

Ki te whānui te titiro iho, me unuunu e ngā menemana ā-ture ngā taipā ā-ture o te whakatinanatanga o te rangatiratanga, te kaitiakitanga me te mātauranga. Ko te kupu a te Te Rōpū Whakamana, “me whakahā te mauri ora ki ngā nōhanga kōtui kaitiaki, ki te whakapuakitanga o te mātauranga hoki e te ahunga whānui ki te tiakanga taiao, me ngā huarahi mahi hoki”.¹⁶¹ E oti ai tēnei, me whakaumu atu te ture i tōna matatika o nāianeī – e whakahautia nei e te mana pupuri, e te whakahaerenga hoki i raro i te tikanga awere – ka tahuri ai ki tētahi e whakahautia ana e tētahi taiao ora torowhānui, tētahi taiao matomato, ā, kei tōna pokapū ko te nōhanga kōtuitanga me te tangata whenua.

¹⁶¹ Te Rōpū Whakamana i te Tiriti o Waitangi, Ko Aotearoa Tēnei (Wai 262, 2011), Pukapuka 1 kei te 347.

Kua oti i te ODG ētahi tūtohunga whāiti nei e pā ana ki ngā menemana ā-ture, ki te whakahouanga hoki o te pūnaha tiaki taiao whānui i raro i ngā tāhū kōrero i raro nei. Ko ētahi o aua tūtohunga ko ēnei:

- ka whakakoutatatia ngā Conservation Act kia puta he ahunga e arongia ai te katoa;
- ka whakaurungia he ritenga e hāngai pū ana ki Te Tiriti ki roto i ngā Conservation Act katoa, tae atu ki ngā rārangi tūāpapa e rua e taukī nei me whakamāori, me whakapā hoki ēnei (ētahi kupu pēnei rānei) kia mana ai Te Tiriti me ōna mātāpono (pērā i te wāhanga 4) me ngā ritenga e whakawhānuitia ana, e whakatakoto ana i ētahi whakarawe tonu hei whakatinana, hei whakatutuki i taua herenga;
- ka whakahoutia te tautuhinga o te pūtake o tēnei mea, te tiakanga taiao hei whakaahua i ngā whakaaro o te tangata whenua me te tangata tiriti¹⁶², ā, hei tautoko i te rerenga rauropi taketake e ora nui nei;
- ka whakaritea te wāhi mō ngā putanga mātauranga, i ngā putanga rerenga rauropi hoki;
- ka whakarōpūtia anō ngā whenua tūmatanui o DOC, ngā wai hoki hei whakamānawa i ngā hononga ki te tangata whenua;
- ka whakakorea te mana pupuri o te Karauna i ngā momo koiora, ngā whenua me ngā taonga;
- ka whakaū i te whai wāhi, i te whakamahinga a te tangata i ngā rawa taiao, ngā momo koiora me ngā taonga;
- ka whakarūpeketia anō ngā hinonga whakahaerenga tiakanga taiao katoa, me ngā rōpu ā-ture hoki hei whakaahua i te nōhanga kōtui Tiriti;
- ka whakamanatia te parenga, te tukunga hoki o ngā mahi, o ngā mana ki te tangata whenua; ā,
- ka whakaritea he rauemi mō te tahuritanga ki te pūnaha tiaki taiao, mō te whakahaerenga tonutanga hoki, e mana ai Te Tiriti me ōna mātāpono.

E aro ana i te ODG ētahi atu huinga mahi arotake huhua e mahia ana e DOC i te wā nei (i tua atu i ngā arotake whāiti), tae atu ki te tukanga arotake, te tukanga whakarōpū mō te kaitiakitanga o te whenua, me te arotake o ngā pūnaha whakamahere whakahaerenga.¹⁶³ Ka arongia te hāngaitanga pea o aua kaupapa, ka tautoko mātou i tētahi huarahi whānui mō te pūnaha katoa e whakahoutia ai te tiakanga taiao, e kōkiritia tahitia ana e te Karauna me te tangata whenua, kia mana ai Te Tiriti me ōna mātāpono.

162 Ko te tikanga tika tonu, “ngā tāngata o Te Tiriti”, e pā ana ki ngā tāngata o Aotearoa karekau ō rātou whakapapa Māori.

163 Tirohia, hei tauira, te pānui pāpāho a Te Papa Atawhai, “Government speeds up stewardship land reclassification”, 28 Mei 2021 (<https://www.doc.govt.nz/news/media-releases/2021-media-releases/government-speeds-up-stewardship-land-reclassification/>).

Hei tāpiri ki tērā, ahakoa kei tua noa tēnei i te aronga mārōrō o ā mātou tikanga whakahere, e whakaaro ana mātou e hiahiatia ana ko tētahi huarahi o 'te Kāwanatanga katoa' mō te whakamānawatanga o Te Tiriti; e kore e puta tētahi Aotearoa e whakamānawatia ai Te Tiriti i te huarahi harangotengote e tauwehewehe ai tēnā tari i tēna tari.

1B: Ka whāia tētahi ahunga nōhanga kōtui Tiriti i roto i ngā mahi whakahou tūturu nei i te pūnaha tiaki taiao

Whakahouanga tūturu (i mua i te mutunga o 2026)

E taea ana tētahi pūnaha tiaki taiao e whakamānawa ana i Te Tiriti, e tuku ana kia whakamahia rawatia te rangatiratanga me te kaitiakitanga, mehemea ka whai wāhi tūturu te tangata whenua ki te whakahouanga nei hei nōhanga kōtui Tiriti e rite ana tōna mana ki tō te Karauna.

Nā Te Tiriti me ōna mātāpono i hiahiatia ai kia noho mai hei huarahi matua mō te tiakanga taiao ko te nōhanga kōtui a DOC me te tangata whenua, me te whakataunga tahitanga hoki o ngā kaupapa. Nā reira me toro atu tērā āhuetanga ki te tukanga arotakenga, te tukanga whakahouanga. Mā te huarahi o te nōhanga kōtui e pai ai tā te Karauna, tā te tangata whenua hoki whakatau tika, whakatau pai, whakamarohi hoki i te āhua, i ngā ritenga hoki o tētahi pūnaha tiaki taiao i whakaumutia rā hei hoa Tiriti, tae atu ki ngā taipitopito whaikiko o te āhua o te noho tahi a te kāwanatanga me te tino rangatiratanga ki taua pūnaha hou.

I roto i āna huinga whakawhiti kōrero, i rongo te ODG i ngā kōrero a ngā iwi e mea ana ko aua mahi arotake, ko aua mahi whakahou kei te pūtake o te hononga o te tangata whenua ki te taiao – he hononga whakapapa e puta ake ai, e mau tonu ai te tuakiri, te ahurea me te mātauranga – ā, nō reira he “takahuri-ao” tēnei, ā, “he rite tōna nui ki tō Te Tiriti” anō rā. Nā reira me whai wāhi te tangata whenua mai anō i te tīmata o te tukanga arotake, te tukanga whakahouanga, ā, me whai wāhi ki te whakaritenga tahitanga o te tukanga me ngā whakahouanga whakamutunga hoki. Me whai wāhi tonu ki taua nōhanga kōtui i te roanga o te tukanga, ā, me whakamānawa, me whai rauemi hoki.

Te taha ki taua take rā, ki te kore e whakatapua he wā, he rauemi hoki, ka kore rawa e taea te whakahouanga whaikiko o tētahi pūnaha e whakariterite ana i te whakamahinga o te kotahi hautoru o ngā whenua me ngā wai katoa o Aotearoa, tae atu ki ngā momo koira e noho ana i roto. I rongo te ODG i ngā kōrero a ngā iwi e mea ana he take nui tēnei mea te rauemi, me te wā hoki. Me te aha, me whakaū te hātepe i te whai whakaaro ki te raukaha o ngā iwi, me ngā herenga hoki kei runga i a rātou, rātou e whakahirahira nei kia whakamōhiotia ō rātou hapū me ō rātou whānau ki ngā kaupapa, kia haere tahi hoki me rātou i te huarahi o te whakahouanga. Nā reira me tino whakamōhio ngā iwi, me rahi hoki ngā rauemi i te tīmatanga rā anō o te tukanga arotake, tukanga whakahouanga, ā, me whai wā hoki rātou ki te tū hei hoa Tiriti.

Me te aha, koinei ngā tūtohunga a te ODG:

- kia whakawhiti kōrero tahi te Minita, DOC me te tangata whenua hei hoahoa tahi i te tukanga mō te arotake mātotoru o te pūnaha tiaki taiao, o ngā Conservation Act hoki;

- kia whakawhiti kōrero te Minita me te tangata whenua he rangahau i te āheinga kia tū tētahi ohu māngai mō te tangata (mā te tangata whenua anō e kopou) hei mahi tahi ā-hoa kōtui nei ki te Minita me Doc, hei arataki, hei tiroiro i te mahinga o te arotake, i ētahi whakature hou hoki e hua mai ana;
- kia whakawhiti kōrero te Minita, DOC me te tangata whenua i te roanga o te tukanga arotake, ā muri hoki i taua tukanga;
- kia mahi tahi ā-hoa kōtui nei te Minita, DOC me te tangata whenua hei whakamarohi i te aronga o ngā kaupapa here, i ngā tohutohu tuhi whakature hei whakatinana i ngā putanga me ngā tūtohunga o te arotake nei; ā,
- kia riro mā te Karauna ngā rauemi e tuku kia whai wāhi ai te tangata whenua ki te tukanga arotake, tukanga whakahouanga.

Tāhū kōrero 2. Te pūtake o te tiakanga taiao

Whakataukī

Ahakoā he iti, he pounamu

Ka kapi i te whakataukī nei te whakaaro nei, arā, ka taea e tētahi mea iti noa iho nei te āhua, pēnei me te kupu hei tautuhi i te pūtake me te whakamārama o te tiakanga taiao, te tū hei mea nui rawa e pā ana ki te āhua o ngā whakaaro ki te tiakanga taiao, me te whakatinanatanga ōna hoki i Aotearoa. Ka whakaahua hoki i te whakaaro he mea nui, he mea whakahirahira ngā mea katoa o te taiao, ahakoā nui, ahakoā iti, kia ora nui ai te mauri o te rerenga rauropi.

Tūtohunga 2

Whakahoutia ngā whakaaro ki te pūtake o te tiakanga taiao hei whakaū i te whaitake ōna i runga o Aotearoa.

Tūtohunga mātāmuri

- A.** Kia poua iho tētahi whakamāramatanga hou o te tiakanga taiao e hāngai pū ana ki Aotearoa, e whakaahua nei i ngā whakaaro o te tangata whenua me te tangata tiriti¹⁶⁴, ā, e tautoko ana i te rerenga rauropi taketake e ora atu nei.

Tūtohunga 2: Whakahoutia ngā whakaaro ki te pūtake o te tiakanga taiao hei whakaū i te whaitake ōna i runga o Aotearoa

Kāore he wāhanga pūtake i roto i te Conservation Act 1987. Ka mea te taitara roa “he Ture tēnei hei whakatairanga i te tiakanga o ngā rawa taiao, o ngā rawa tuku iho o Aotearoa, ā, i runga i taua kaupapa, hei whakatū i tētahi Papa Atawhai”. Ko te whakamārama a te Ture o te “tiakanga taiao” ko tēnei:¹⁶⁵

ko te tiakanga me te whakahaumarutanga o ngā rawa taiao, ngā rawa tuku iho kia mau tonu ai tōna tapu, kia whakamānawatia tonutia ai, ā, kia rekareka tonu atu te marea, me te atawhai anō i ngā kōwhiringa mā ngā whakatipuranga ā muri nei.

I tāna nōhanga mai hei mahi tēnei mea te “whakatairanga i te tiakanga o ā Aotearoa rawa taiao, rawa tuku hoki”, e hāngai pū ana te whakamārama nei o te “tiakanga taiao” ki ngā uara kaupapa Ūropi, ā, ka hāpaitia ko te tiakanga me te whakahaumarutanga e tūhāhā ana i te ao tangata, hāunga i te rēhia pārekareka.

¹⁶⁴ Ko te tikanga tika tonu, “ngā tāngata o Te Tiriti”, e pā ana ki ngā tāngata o Aotearoa karekau ō rātou whakapapa Māori.

¹⁶⁵ Conservation Act 1987, wāhanga 2.

Kāore e whai wāhi te matatika taiao a te tangata whenua, arā, te kaitiakitanga, te whai koha o te tangata me te taiao, me te whakamahinga e ora tonu ai te mauri. Ka whakaahuatia ngā huarahi rerekē e tētahi kaikōrero i te Pakirehua Wai 262 hei “takotoranga tino rerekē i waenga i te kaupapa ‘kei pā te ringa’ a ētahi tāngata tokomaha i te kaupapa tiaki taiao, me te pānga tonutanga ki te taiao, koirā hoki tā te Māori mahi”.¹⁶⁶ Ka herea te Karauna e te mātāpono o te tiakanga hiwa ki te whakarite wāhi mō te matatika taiao a te tangata whenua, ki te tiaki atu hoki.

2A: Kia poua iho tētahi whakamāramatanga hou o te tiakanga taiao e hāngai pū ana ki Aotearoa, e whakaahua nei i ngā whakaaro o te tangata whenua me te tangata tiriti, ā, e tautoko ana i te rerenga rauropi taketake e ora atu nei

Me whakahou rawa te āhua o te whakaaro ki te pūtake o te tiakanga taiao hei whakaū he whitake i Aotearoa nei, hei whakaū ka mana hoki ngā kīanga taurangi i roto i Te Tiriti. E tutuki ai tēnei, me pou iho ki te whānuitanga o te pūnaha tiaki taiao tēnei māramatanga hou ki te tiakanga taiao e hāngai pū ana ki Aotearoa, e whakaahua ana i ngā whakaaro o te tangata whenua me te tangata tiriti hoki – ki roto i ngā ture, ngā Kaupapa Here Arowhānui, ngā ritenga Kaupapa Here Arowhānui tonu, te ahurea me ngā mahi. Me paihere e te māramatanga nei ngā ahunga rerekē ki te whakahaerenga tiakanga taiao e whakakanohitia ana e te mātauranga Māori me te kaupapa tiakanga, ā, me hanga hoki tētahi ahunga matarau – he tirohanga kotahi ki te tiakanga taiao.¹⁶⁷

Ehara i te mea me tukituki rawa ngā ahunga e rua nei. He whānui te pā o te āwangawanga kia tautokona te rerenga rauropi taketake e ora rawa nei, me te whakauka hoki i te tapu o ngā rawa taiao. E rua e rua ēnei ahunga e whakahau ana kia tiakina, kia whakahaumakotia hoki ngā nōhanga koirora me te whakahaumanutanga o ngā pāpori koirora i mua i te kohinga e ora tonu ai te mauri.

Me whakamānawa hoki e tētahi māramatanga o te tiakanga taiao e mana ai Te Tiriti ko te wāhi whakahirahira, ko te koha nui hoki a te tangata whenua, te mātauranga, ngā pou kōrero me te rerenga rauropi taketake ki te whakaukanga, te tiakanga me te whakahaumanutanga o te taiao.

166 Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011), Pukapuka 1 kei te 367, e ai ki a Robert McGowan, he kōrero taunaki i whakahoutia mā Ngāti Kahungunu, 11 Ākuhata 2006 kei te 12.

167 I whakatakotoria te tūtohutanga nei e Te Rōpū Whakamana i te Tiriti o Waitangi hoki i roto o *Ko Aotearoa Tēnei* (Wai 262, 2011), Pukapuka 1 kei te 366-367.

He wāhanga waiwai te whakamahinga mauri ora o te matatika tiaki taiao mō te oranga o te tangata whenua hei iwi; he whakahirahira mō te oranga ahurea, te tuakiritanga me te mātauranga.¹⁶⁸

He mea tiaki ngā tika a te tangata whenua ki te whakamahi mauri ora nei i ngā rawa taiao nā te CBD,¹⁶⁹ te UNDRIP¹⁷⁰ me *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020*.¹⁷¹

Hei tā te ODG e taea ana e te whakamahinga mauri ora te whakakao mai i aua wāhanga o te whakamārama o nāianei o te tiakanga taiao i roto i te Ture e pā ana ki te whakamānawatanga me te rēhia rekareka a te marea.

Te whakahouanga tūturu (i mua i te mutunga o 2026)

E tutuki ai te tūtohunga 2A mō te tau 2026, e tūtohu ana te ODG kia whakahoutia ngā Conservation Act kia whai wāhi ai ēnei katoa, hei pae hakahaka rawa:

- he kupu whakataki ki te reo Māori me te reo Ingarihi (pērā i Te Ture Whenua Māori 1993);
- he wāhanga pūtake e whakatinana ana i tētahi whakakitenga kotahi ki te rerenga rauropi taketake mauri ora me te taiao; e whakamānawa ana, e tiaki ana i te mauri me ngā hononga whakapapa o ngā mea katoa o te taiao, tae atu ki te hauora; e hāpai ana i te hononga whakapapa o te tangata whenua me te taiao; ā, e whakaū ana, e whakarite ana i te whakamahinga mauri ora, i te rēhiatanga hoki i te taiao hei oranga mō ngā whakatipuranga e haere mai nei;¹⁷²
- he tautuhinga o te “tiakanga taiao” e rite ana ki tēnei nā: “ko te tikanga o te tiakanga taiao ko te whakaukatanga, te whakaihanga me te whakamahinga mauri ora o te whenua, te moana, te wai me ngā momo koiora e whirinaki ana ki ēnei, whiti noa i ngā whakatipuranga, ā, ka aro mārika ki te rerenga rauropi taketake, te mauri me ngā pūnaha rauropi māori”;

168 Jacinta Ruru me ētahi atu, “Reversing the Decline in New Zealand’s Biodiversity: Empowering Māori within reformed conservation law” (2017) 13(2) Policy Quarterly 65 kei te 68.

169 United Nations Convention on Biological Diversity, Atikara 8 me te 10.

170 United Nations Declaration on the Rights of Indigenous Peoples, Atikara 26 me te 32(1).

171 *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020* (Te Papa Atawhai, Ākuhata 2020), kei te 44 me te 72. Ka hāngai hoki te ritenga mō te whakamahinga kia ora tonu ai te mauri ki te tautuhitanga o te tiakanga taiao i roto i te 1980 World Conservation Strategy (1980) kei te Wāhanga 1, Introduction: living resource conservation: “The management of human use of the biosphere so that it may yield the greatest sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations. Thus conservation is positive, embracing preservation, maintenance, sustainable utilization, restoration, and enhancement of the natural environment.”

172 Ka arongia e te ODG te whaitake o ngā mahi o nāianei e pā ana ki te arotakenga, te whakahouanga hoki o te Resource Management Act 1991. I te Hune 2021, ka whakaputaina e te Kāwanatanga he kape hukihuki, hei tiroiro mā te marea, o te Natural and Built Environments Bill. Ka whakatakoto te Rārangi 5 o te Pire i te pūtake o te whakature e marohitia nei, ā, kei roto ko te whakahau kia hāpaitia “Te Oranga o te Taiao”. Ka whai wāhi ki roto o “Te Oranga o te Taiao” ko te oranga o te taiao; ko te hononga tūturu i waenga i te ngā iwi, ngā hapū me te taiao; te pāhekohekotanga o ngā āhuatanga katoa o te taiao; me te hononga whakahirahira i waenga i te oranga o te taiao me tōna āheinga ki te toko i te ora.

- he ritenga mō te whakaaetanga ā-ture o te hononga i waenga i te tangata whenua me te taiao, tae atu ki ngā uara taketake i takea mai i ngā kawa, ngā tikanga me ngā mātauranga e hāngai ana (pērā i ērā e whakaaetia ana i te wā nei, e pā ana ki Te Awa Tupua me Te Urewera¹⁷³); ā,
- he whakarewa, he tukanga, he hanganga hoki e whakamana ana i te nōhanga kōtui tūturu i waenga i te Karauna me te tangata whenua i te whakatinanatanga o ngā mahi tiaki taiao i Aotearoa.

Mō tēnei wā (i mua i te mutunga o 2022)

Ka tūtohu te ODG kia menemanatia ngā Kaupapa Here Arowhānui, i ngā wāhi e taea ana i roto i te anga whakature o nāiane, kia whakaahuatia ai te māramatanga o Aotearoa ki te tiakanga taiao. Ko ētahi huarahi hei whakatutuki i tērā ko ēnei:

- ko tētahi wāhanga ki te “Whakatakinga” e whakatakoto ana i te whakakitenga kotahi mō te rerenga rauropi taketake e ora rawa ana, mō te taiao hoki, e whakapuakina ai ngā putanga rerenga rauropi pai hei whāinga, ā, e whakaahuatia ai te whakakitenga kotahi me ngā putanga rerenga rauropi ki roto i ētahi atu wāhanga e tika ana, ki roto i ngā Kaupapa Here Arowhānui katoa;
- ko ētahi atu toronga ki taua whakakitenga kotahi ki te Ūpoko 2, hei tauira:

“Ko tētahi huarahi tiaki taiao e arotahi ana ki ngā mātāpono o Te Tiriti, e whakaahua ana i tētahi whakakitenga kotahi mō te rerenga rauropi taketake e ora ana, mō te taiao hoki, arā:

- *e whakamānawa ana, e tiaki ana i te mauri, i te whakapapa hoki o ngā mea katoa o te taiao, tae atu ki te oranga o aua mea katoa;*
 - *e hāpai ana i te hononga whakapapa taketake i waenga i te tangata whenua me te taiao; ā,*
 - *e whakaū ana, e whakarite ana i te whakamahinga mauri ora me te rēhiatanga o te taiao hei oranga mō ngā whakatipuranga e haere mai nei.”*
- ko te tautuhi i te “tapu” ki te kuputaka o ngā Kaupapa Here Arowhānui mā te kōrero mō ngā ariā o te kawa, ngā tikanga me te mātauranga, pēnei me te mauri me te tapu.¹⁷⁴

Mā te whakarerekē i te pūtaka o te pūnaha, i te whakamārama hoki o te tiakanga taiao e takoto ai te tūāpapa kia pai ai te hanga i tētahi pūnaha tiaki taiao e mana ai Te Tiriti. Ka wherawherahia e ētahi atu tāhū kōrero katoa i roto i te Pūrongo nei ko ngā whakarawe, ko te takune ia ko te whakatinanatanga whaikiko o taua tūāpapa.

173 E whakaahuatia ana i roto o Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (Wāhi 2, wāhanga 10 - 17) me Te Urewera Act 2014 (Wāhi 1, wāhanga 5 me te 11-12).

174 I ahu mai te kupu “tapu” nei i te whakaahuatanga o nāiane o te “tiakanga taiao” o roto i te Conservation Act 1987.

Tāhū kōrero 3. Kawa, tikanga, mātauranga

Whakataukī

E kore e ngaro, te kākano i ruia mai i Rangiātea

E mōhiotia ana a Rangiātea hei wāhi i Hawaiki i wehe ai te tangata whenua, ka hūnuku ai ki Aotearoa. Ka whakaahua te whakataukī nei i te whakaaro e kore e ngaro ngā kawa, ngā tikanga me te mātauranga i roto i te horopaki o te taiao o Aotearoa i hua ake ai, i whanake ake ai aua āhuatanga i te roanga o ngā rautau huhua. He nui ngā whāinga wāhi ki te titi i te kawa, ngā tikanga me te mātauranga ki te pokapū o te taiao motuhake o Aotearoa, ā, me whakamahi kia taea tonutia ai te whanake, te pūāwai hoki. Ka tautoko te whakataukī nei i te hiahia kia aro ngā putanga rerenga rauropi ki te whitinga o ngā whakatipuranga.

Tūtohunga 3

Poua te kawa, ngā tikanga me te mātauranga ki roto ki te pokapū o te pūnaha tiaki taiao.

Tūtohunga mātāmuri

- A.** Ka whakaū kia whai koha te pūnaha tiaki taiao, me ngā mahi whakatau kaupapa o roto, ki te mātauranga, ā, kia hāpai hoki i te kawa me ngā tikanga.
- B.** Ka whakaū kia whakaahuatia te kawa, ngā tikanga me te mātauranga ki ngā ritenga me ngā mātāpono i raro i ngā ture, ngā kaupapa here, ngā rautaki me ngā mahere e pā ana ki te tiakanga taiao.
- C.** Ka whakaū kia whakatauria e te tangata whenua te hononga i waenga i te tangata whenua me ngā whenua tiaki taiao, ngā wai, ngā wāhi tapu, ngā rawa, ngā momo koiora me ētahi atu taonga (tae atu ki te kawa, ngā tikanga me te mātauranga e pā ana ki taua hononga), ā, kia whakamanatia taua hononga e te pūnaha tiaki taiao.

Tūtohunga 3: Poua te kawa, ngā tikanga me te mātauranga ki roto ki te pokapū o te pūnaha tiaki taiao

He tere te auhekenga o ngā rerenga rauropi taketake me ngā momo koiora o Aotearoa nā runga i tā tātou whakamahinga i te whenua, ngā kīrehe e whakaeke mai nei, me ngā momo mate.¹⁷⁵ Kei tōna 4,000 ngā momo koiora e mōrearea ana, e mate haere ana rānei i te mate o te moa. Me te aha ka nuku atu i te 80 ōrau o ā tātou mokomoko, poraka, pekapeka, manu hoki ka ngaro pea. E 59 ā tātou momo manu kua mate ā-moa mai anō i te taenga mai o te tangata ki konei. E ngarongaro tonu ana ngā pūnaha rauropi taketake me ngā nōhanga pēnei me ngā whenua haumata, ngā tāhuahua, ngā whenua ururu taketake, me ngā ngahere taketake.

E hia rautau nei ngā pūnaha mōhiotanga nei, te kawa, ngā tikanga me te mātauranga, e whanake mai ana, e whāngai hoki ana i te taiao i mua i te waitohutanga o Te Tiriti i te tau 1840. He pūnaha mātauranga pūtaiao taketake mātotoru te mātauranga, he whakahirahira hoki kia ora ai te taiao, kia āhei ai te ahurea me te tuakiri o te tangata whenua ki te pūāwai.

Heoi anō, nā te tāmitanga me te nōhanga o te whenua i te rautau 19, me ngā pānga taiao me ngā ngaromanga rerenga rauropi i hua mai ai, i whānui ai ngā pānga ki te hononga o te tangata whenua ki te rerenga rauropi. Ko tētahi o aua pānga ko te ngaromanga o te mātauranga e pā ana ki aua momo koiora i mate ā-moa rā. E poua hōhonutia atu ai te ngaromanga nei, kāore e tika te tiakanga, te manaakitanga, te whakamanatanga rānei o ā tātou Conservation Act, me tā tātou pūnaha tiaki taiao hoki, i te kawa, ngā tikanga me te mātauranga. Kotahi noa iho te whakahuanga o te mātauranga i roto i ngā Kaupapa Here Arowhānui, ā, kei te Karauna te tikanga ki te whakamana atu, ki te tautoko atu hoki.¹⁷⁶ E pēnei ana ahakoa te nōhanga mai i raro i te maru o DOC o ngā tauira e toitū tonu ana o te taiao i whanake mai ai te mātauranga.

175 Tirohia *New Zealand's Environmental Reporting Series: Our Land 2018* (Manatū mō te Taiao me Tatauranga Aotearoa, Aperira 2018); me *New Zealand's Environmental Reporting Series: Environment Aotearoa 2019* (Manatū mō te Taiao me Tatauranga Aotearoa, Aperira 2019).

176 E mea ana ngā kaupapa here 12(c) o te Kaupapa Here Arowhānui Tiakanga Taiao me te 11(c) o te Kaupapa Here Arowhānui mō ngā Whenua Rāhui ā-Motu, “me whakamana” te mātauranga, ā, “ka taea te tautoko e ngā whakaritenga mahinga tahitanga”.

Ahakoia kāore e noho mai i roto i ngā ture, kua tīmata te Karauna ki te whakamana haere, ki te manaaki haere i te mātauranga i roto i te pūnaha tiaki taiao ki ngā tuhinga rautaki, tuhinga kaupapa here hoki. Hei tauira, he ōrite te whakamānawatanga i roto o *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020* o te mana o te mātauranga me ētahi atu momo mōhiotanga hei pūnaha mātauranga whai mana, pūnaha wehewehe hoki i roto i ngā mahi whakahaere rerenga rauropi i Aotearoa¹⁷⁷. Ko ētahi atu tauira ko ēnei: ko tā te Kāwanatanga 2017 Conservation and Environment Science Roadmap;¹⁷⁸ me ngā ohu tohutohu pūtaiao mō te mate kauri me te mate muritara.¹⁷⁹

Kua oti i ētahi iwi huhua ngā Mahere Whakahaere ā-Iwi te whakawhanake, me ētahi atu tuhinga hoki e whakamaui ana, e arataki ana i ngā ahunga ki te kaitiakitanga, ki te tiakanga taiao hoki. Ahakoia te arotahitanga ki te whakamanatanga o te wāhanga 6e o te Resource Management Act 1991, he rite tonu te whirinaki a ngā iwi ki ngā tuhinga nei hei whāngai, hei tautoko hoki i ā rātou whakatau e pā ana ki ngā kaupapa tiakanga taiao.

Ahakoia tēnei, e mataara mārika ana te ODG ki te mōrearea o te āhua o ngā mahi a te pūnaha āpiha kāwanatanga a te Karauna e tāhae nei i ngā tikanga, te reo me te mātauranga. Me whai wāhi ki te whakahouanga ko ētahi whakaruruhau kia kua aua tāhaetanga e puta. Ko te mea e hiahia ana ko tētahi pūnaha i wetekina ai ngā herenga tātāmi, ā, e noho mai ai hei pakiaka mōna ko Papatūānuku, ko te taiao me ō rāua mauri.

E rua ngā huarahi e poua ai te kawa, ngā tikanga me te mātauranga ki te pūnaha tiaki taiao e ngā tūtohunga mātāmuri e toru i raro i te TĀHŪ Kōrero Toru:

177 *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020* (Te Papa Atawhai, Ākuhata 2020), kei te 33-34. Ka whakatakoto Te Mana o te Taiao i te aronga rautaki nui tonu mō te tiakanga, te whakahaumanutanga me te whakamahinga o te rerenga rauropi i Aotearoa e ora tonu ai te mauri, mō ngā tau e 30 e tū mai nei. Ka whāia ko te tauira He Awa Whiria - he whakaatatanga o tētahi pūnaha awa whiriwhiri, e noho ai ngā whiringa hei tohu mō ngā putanga mātauranga huhua e pai ai te tū takitahi, e pai ai hoki te whiriwhiri tahi i roto i ngā wāhanga katoa o te rerenga o te awa. E eke ai ngā putanga o Te Mana o te Taiao, ka whakamanatia te mātauranga Māori hei wāhanga tūturu o te rangahautanga, o te whakahaerenga hoki o te rerenga rauropi.

178 Ka whai te mahere huarahi nei ki te whakawhānui i te whakamahinga o te mātauranga Māori i roto i ngā rangahau taiao. Kei roto i te mahere ko te whakamanatanga, te whakawhanaketanga me te whakamahinga o te mātauranga Māori; i te taha o ētahi atu ahunga pūtaiao, e whiria tahitia ana hoki ki ētahi atu ahunga pūtaiao; hei whakapai atu i ngā putanga taiao, hei tautoko hoki i te iwi Māori ki te whakatinana i te kaitiakitanga, i ētahi atu tūnga tuku iho hoki. Ka whakarite te mahere nei i tētahi tirohanga whānui rawa, e 20 tau te roa, o ngā kaupapa rangahau nunui hei taki i te aronga rautaki ki ngā rōpū e tuku pūtea nei, e tuku rauemi nei, e whakahaere nei hoki i ngā rangahau.

179 E mahi tahi ana a DOC me ētahi tohunga pūtaiao a ngā iwi i roto i ngā rōpū tohutohu pūtaiao mō te mate kauri, te mate muritara hoki. Ka whai ngā mahere rautaki pūtaiao e pā ana ki aua take tiakanga taiao ki te whakamana i ngā mātāpono o Te Tiriti, hei tautuhi i ngā mahi pūtaiao e hiahia ana, ngā hātepe ka whakamahia hei mahi i aua mahi pūtaiao, tae atu ki te whakahaere, ki te whakatinana hoki i ngā mātauranga e ahu mai ana i aua mahi pūtaiao.

- tuatahi iho, mā te whai wāhi a te tangata whenua ki te whakahaerenga, ki te whakatinanatanga hoki; ā,
- tuarua iho, mā te mārama o te kitea o te kawa, ngā tikanga me te mātauranga, ā, mā te hāpai i te mana o aua āhuatanga i te whānuitanga o te pūnaha tiaki taiao.

E aro atu ana ngā tūtohunga o te TĀHŪ Kōrero Toru ki ngā whakahouanga o te wā nei (he kōre nōna e aukati i te pounga o te kawa, ngā tikanga me te mātauranga ki ngā kaupapa here me te whakatinanatanga hoki, ahakoa kāore ngā ture e kōrero mō aua āhuatanga), me te whakahouanga tūturu (kia mārama te whakaūnga ki roto ki ngā Conservation Act o te pounga o te kawa, ngā tikanga me te mātauranga).

3A: Ka whakaū kia whai koha te pūnaha tiaki taiao, me ngā mahi whakatau kaupapa o roto, ki te mātauranga, ā, kia hāpai hoki i te kawa me ngā tikanga

Mō tēnei wā (mō te tau 2022) me te whakahouanga tūturu (mō te tau 2026)

Ka tūtohu te ODG:

- (a)** kia panoni ngā Kaupapa Here Arowhānui, te whakatinanatanga ōna hoki hei ngā marama o muri nei; ā,
- (b)** kia arotakea, kia whakahoutia hoki ngā Conservation Act me te pūnaha whānui tonu i roto i ngā tau e rima e whai mai nei,

mā reira:

- e whakamānawatia ai te wāhi nunui ki ngā pou kōrero i roto i te whakakitenga kotahi mō te rerenga rauropi taketake ora, me te taiao ora;
- e whakamānawatia ai ngā rourou nui a te mātauranga, a te tangata whenua i roto i te whakahaerenga tiakanga taiao, me te whakatinanatanga ki te whenua tonu;
- e whakaahuatia ai te kawa, ngā tikanga me te mātauranga i roto i ngā ritenga me ngā mātāpono o te tiakanga taiao;
- e whakahautia ai kia whakamanatia e ngā kaiwhakatau kaupapa ko te kawa, ngā tikanga me te mātauranga; ka mārama hoki ko te kawa, ngā tikanga me te mātauranga e tika ana; ā, ka āta whakatakoto i te āhua o taua whakamanatanga;
- e mārama ai e hāngai pū ana a ngāi tipu, a ngāi kīrehe ki ngā kawa, ngā tikanga me ngā mātauranga i ahu mai i aua mea, ki ngā iwi/hapū motuhake, ā, nā aua āhuatanga i āhei ai ēnei hononga motuhake;
- e nuku ai ngā rohenga tiaki taiao kia pai atu ai te whakaahuatanga o ngā rohe me ngā pānga a ngā iwi/hapū; ā,

- e kīia ai ka whakamānawatia, ka tautokona hoki ngā kawa, ngā tikanga, te mātauranga me ngā pānga a te tangata whenua ki te rangahau, me ngā whakaaetanga e hāngai ana e ngā hononga mahinga tahi, pēnei me te tohatohanga o ngā putanga rangahau ki te tangata whenua.

3B: Ka whakaū kia whakaahuatia te kawa, ngā tikanga me te mātauranga ki ngā ritenga me ngā mātāpono i raro i ngā ture, ngā kaupapa here, ngā rautaki me ngā mahere e pā ana ki te tiakanga taiao

3C: Ka whakaū kia whakatauria e te tangata whenua te hononga i waenga i te tangata whenua me ngā whenua tiaki taiao, ngā wai, ngā wāhi tapu, ngā rawa, ngā momo koiora me ētahi atu taonga (tae atu ki te kawa, ngā tikanga me te mātauranga e pā ana ki taua hononga), ā, kia whakamanatia taua hononga e te pūnaha tiaki taiao

Mō tēnei wā (mō te tau 2022) me te whakahouanga tūturu (i mua i te mutunga o 2026)

Ka tūtohu te ODG:

- (a)** kia panoni ngā Kaupapa Here Arowhānui, te whakatinanatanga ōna hoki hei ngā marama o muri nei; ā,
- (b)** kia arotakea, kia whakahoutia hoki ngā Conservation Act me te pūnaha whānui tonu i roto i ngā tau e rima e whai mai nei,

mā reira:

- e mārama ai he taonga te whakamahinga o te reo Māori i takohaina e te tangata whenua ki ngā tāngata katoa o te motu o Aotearoa;
- e mārama ai mā te tangata whenua anake e whakarite ōna hononga (ki ngā rohe, ki te motu whānui hoki) ki ngā whenua tiaki taiao, ngā wai, ngā wāhi tapu, ngā rawa, ngā momo koiora me ētahi atu taonga, tae atu ki te tikanga me te whakamahinga o ngā kawa, ngā tikanga me ngā mātauranga e hāngai ana;
- e whakahautia ai te whakarohitanga o ngā whakaruruhau kia kua ai te Karauna e tāhae i ngā kawa, ngā tikanga me ngā mātauranga; ā,
- e mārama ai ko te mana whakairo hinengaro i takea mai i te mātauranga ka tukuna ki ngā pou kōrero nāna aua mātauranga.

Tāhū kōrero 4. Te whenua, te wai, te rawa, te momo taketake me ētahi atu taonga

Whakataukī

Ko tōku ūkaipō te whenua, ko tōku whenua te ūkaipō

Ko roto o te whare tangata, te whenua e whāngai ana, ko waho ia o te whare tangata, e rua e rua, ko te whenua anō te kaiwhāngai i a tātou.

Hei whakamahara tēnei whakataukī i a tātou mō te kaha o te hononga i waenga i te tangata me te taiao. E whakawhirinaki ana te tangata me te whenua, tētahi i tētahi e pai ai te whāngainga me te mauri ora. Ko te aronga ā-kupu o te 'ūkaipō' he whāngai ki te waiū i te pō. Ko tōna aronga ā-tohu ia e kōrero ana i te kai o te taha wairua, taha ngākau me te taha tinana e tūhono nei i te māmā ki tana tamaiti. Waihoki ko te whenua, ko Papatūānuku me te tangata, he pēnā anō te hononga. Nā konei me wātea ki te uru me te whakamahi i te whenua, ngā rawa me ngā taonga ka tika, katoa ēnei te kaiwhāngai i te mauri ora o te tangata me te taiao.

Tūtohunga 4

Whakahoutia te tūnga ā-ture o ngā whenua tiaki taiao, te wai, ngā rawa, ngā momo taketake me ētahi atu taonga.

Tūtohunga mātāmuri

- A.** Whakahoutia te tauira mana pupuri o ngā whenua tūmatanui o DOC me te wai hei whakaahua i te hononga mauroa a te tangata whenua ki ēnei wāhi, ki ngā rawa me ngā taonga o roto.
- B.** Arotakengia ngā kōmakatanga katoa e hāngai ana ki ngā whenua tūmatanui o DOC me te wai, kia whaitake ai ngā hononga tangata whenua.
- C.** Whakakorea te mana pupuri a te Kaurauna i ngā momo taketake.
- D.** Whakatikahia ngā mōtika me ngā pānga o te tangata whenua i ngā whaitua wai māori me te moana.
- E.** Kia mātua kitea e wātea ana te tangata whenua ki te uru me te whakamahi i ngā mea katoa e whakahaeretia ana i roto i te pūnaha tiaki taiao, arā, ngā whenua, ngā wai, ngā momo me ngā rawa. Tae atu ki ngā puka whakaaenga me ngā umanga whai raihana.

Tūtohunga 4: Whakahoutia te tūnga ā-ture o ngā whenua tiaki, te wai, ngā rawa, ngā momo taketake me ētahi atu taonga

Ko tētahi hautoru o ngā whenua me ngā wai o Aotearoa kei raro i te maru o DOC e tiakina ana, ā, nō te Karauna te nuinga. Ko ngā taura mana pupuri me te kōmakatanga o nāiane tonu e whakatau ana i te tiakanga,¹⁸⁰ te urunga me te whakamahinga o te wāhi me ngā momo o runga i takea katoatia mai i te tirohanga ‘tauīwi’ kāore e whakaahua ana i te hononga o te tangata whenua ki te taiao. Me rite tonu te whakapā ki te taiao e hiwa ai te hononga, ahakoa te mana pupuri ā-ture.

I raro i ngā Kaupapa Here Arowhānui kei te Karauna te whiringa ki te whakawhitihiti kōrero me te tangata whenua i te taha ki te pūnaha whakatewhatewha mō ngā rāhui ā-motu hou, tāpiringa rānei, mō ngā pae me ngā takiwā motuhake o roto i ngā rāhui ā-motu. Ko te whai hoki kia uru ngā takutai moana i te taha mai o tētahi rāhui ā-motu ahakoa te Ture Takutai Moana 2011. Tae atu hoki ki ngā tūāpapa o ngā roto me ngā awa kei raro i te mana ā-ture o te Karauna, me whanga tonu kia puta te whakatau mō ngā mōtika me ngā pānga o te wai māori.¹⁸¹

He rangiwhāwhā te mana pupuri a te Karauna i ngā whenua, ngā momo taketake me ngā kararehe o te moana o te tiaki taiao. Me te aha, kei te hao tonu te Karauna i te mana pupuri, ahakoa kāore i runga whenua tiaki taiao ngā momo taketake, kāore hoki i rō wai tiaki taiao ngā kararehe o te moana. Kua mate rānei, e hao tonu nei.

Ko te Conservation Act o te wā e whakakōpiri ana i te urunga me te whakamahinga o ngā rawa taketake me ngā momo taketake, ā, ko te tikanga me whaimana whakaae i te Minita, i te Tumuaki-Ahurei rānei. Hei tauira ake:

- Kāore e whakaaetia te hari pokanoa o te tupu taketake, o ngā kararehe kei ngā rāhui ā-motu ki te kore he whakaaetanga ā-tuhi tōmua a te Minita;¹⁸²

180 Ko ēnei ngā kōmakatanga o te wā: National Park (classes: Specially Protected Area; Wilderness Area; Amenities Area); Conservation Area (classes: Stewardship Area; Marginal Strip; Specially Protected Area (types: Conservation Park; Ecological Area; Sanctuary Area; Wilderness Area; Watercourse Area; Amenity Area; Wildlife Area)); Wildlife Area (classes: Wildlife Sanctuary; Wildlife Refuge; Wildlife Management Reserve); Reserves (classes: Recreation; Historic; Scenic; Nature; Scientific; Government. Purpose; Local Purpose). Marine (classes: Marine Reserve; Marine Mammals Sanctuary; Faunistic Reserve)

181 Kei te Ūpoko 6 o te Kaupapa Here Arowhānui mō ngā Whenua Rāhui ā-Motu he mea hou, he tāpiritanga hoki ki ngā whenua rāhui ā-motu, ā, he rohe tauārai me ngā wāhi motuhake o roto i ngā whenua rāhui ā-motu. Ahakoa rā me “rapu ngā tirohanga o te tangata whenua” e NZCA i mua o te tono i tētahi whakatewhatewha, me te pūrongo i ngā tono kia whakapuakitia he whenua hei whenua rāhui ā-motu, he takohanga “should” anake ki te whakawhitihiti kōrero me te tangata whenua i te hātepe whakatewhatewha me te whai whakaaro ki ō rātou tirohanga.

182 National Parks Act 1980, Wāhanga 5.

- Ka riro mā te Minita anake e whakarato umanga whai raihana, ā, mā te Tumuaki-Ahurei anake e whakamana te haringa o ngā tupu hei mahi mō ngā ritenga Māori;¹⁸³
- ngā kīrehe taiao “whakahaumarū mārire” (tētahi wāhanga rānei o te kararehe, pēnei i ngā huruhuru) – me te nuinga o ngā taonga ‘momo’ nei – nā te Karauna, kei raro tonu i te mana pupuri a te Karauna ahakoa te mau atu ā-ture, te patu rānei;¹⁸⁴
- kāore e whakaaetia ana te hokona atu o ētahi kīrehe taiao whakahaumarū;¹⁸⁵
- mā te Minita anake e whakapuaki e whakamana – mā te amenamana ā-ture kua iti noa nei tana whakamahi – ka āhei te tango i ngā kīrehe taiao kāore e whakahaumarū māiretia ana, hei whakahaere ritenga tuku iho rānei;¹⁸⁶
- I raro i ngā Kaupapa Here Arowhānui kei te Karauna te whiringa ki te whakamana i te taha whakamahi ā-ritenga, ā-tikanga i ngā rawa me ngā momo taketake.¹⁸⁷

Nā te mea kei te Karauna te mana whakatau e whakaae ai te urunga atu o te tangata whenua ki te whakamahi i ngā rawa o te taiao, ko te tikanga o te “customary use” e kōrero ana mō ngā momo mahi e herengia ana, ā, ko te nuinga he mahi huamoni kore.

183 Conservation Act 1987, ngā wāhanga 17Q and 30(2). Hei ētahi wā nui atu i te momo puka whakaae kotahi e hiahia ana i te mea he inakinaki ngā hiahia i tēnā moka rerekē me tēnā moka rerekē o te whakature.

184 Wildlife Act 1953, wāhanga 57.

185 Wildlife Act 1953, ngā wāhanga 23 me 63A.

186 Wildlife Act 1953, wāhanga 6 me te Āpitiwhanga 3.

Heoi anō, kāore e kaha whakamahia te wāhanga 6 hei whakamana i te maunga atu me te puritanga ā-ritenga o ngā kīrehe hemo kua haumarutia i te mea, i mua o te whakawākanga i Shark Experience Limited v PauaMac5 Incorporated [2019] NZSC 111, [2019] 1 NZLR 791, ā, i whakapono te tangata i te wāhanga 53(1) kē ia tētahi pūnaha tōtōpū ake e hāngai ana ki ngā momo whānui anō. Engari, nā te putanga o te whakatau mō Shark Experience, e kī ana a DOC kāore ināianei e taea e rātou te whakamahi wāhanga 53(1) mō te maunga atu me te puritanga ā-ritenga. E mātua whakamahia ana te wāhanga 6 mō te whakangau momo kīrehe ora e rārangitia ana i te Āpitiwhanga 3, me te puritanga hoki o ngā toenga. Hei tauira, e whakamahia ana ēnei whakatakatoranga hei whakamana i ngā ritenga whakahaere o te Tītī i ētahi takiwā whāiti o Aotearoa (arā, i ngā moutere kua tautuhia ōna whenua me ōna tāngata nōna te whenua, ko Te Ara ā-Kiwa me te moutere pātata, me Rakiura, ā, i ngā whenua tautuhi me te tangata nōna te whenua me ngā whenua tiaki taiao tūmatanui kei ngā moutere o waho atu o te Tai Rāwhiti o Te Ika ā-Māui mai i te Taitokerau ki te Moana ā-Toitehuatahi).

187 Hei tauira, ko te kaupapa here 2(g), ko tōna hiahia ake ko te āhua o te whakamahinga “may be authorised” ina tutuki ētahi āhuatanga (kia kite hoki he tikanga taketake ngā mahinga tikanga tuku iho kei te wāhi) ā, ko ngā tirohanga o te tangata whenua “should be sought and had regard to”. Ko kaupapa Here 5(f) e kī ana mā DOC pea e pupuri e whakahaere rānei te kohikohinga o ngā taonga haumarū me ngā taonga taputapu, me ngā taonga hoki e hira ana te tiakanga o ōna hononga ki ngā wāhi, mō ngā take pārongo, ka mutu, kāore he toronga ki te tangata whenua.

I tēnei wā e whakahokia ana ki te tangata whenua ngā whenua tiaki taiao o te Karauna mā roto mai o ngā whakaūnga whakatau ā-ture anake a Te Tiriti.¹⁸⁸ Kāore e kaha rongō ana i te koronga ki te pēnei, ā, i ngā wā kua pēnātia, he harangotengote, he hārakiraki te whiwhinga. Waihoki, kia kua te tangata whenua e whakawhirinaki ki te pūnaha whakaūnga whakatau e tutuki ai ngā nōhanga kōtui, e ea ai te kaitiakitanga, e puta ai te mātauranga, e whakahokia ai he whenua ki a rātou; ko ēnei mea kei raro i ngā mātāpono o Te Tiriti me te Conservation Act e haumarutia ana.

Ko tā te ODG kia whaimana ai Te Tiriti me whakahou te tūnga ā-ture o ngā whenua tiaki taiao, te wai, ngā rawa me ngā momo taketake. Ko te whāinga o ngā tūtohunga mātāmuri e whai ake nei he whakatikatika i ngā take kua huaina ake nei mā te whakatinana i te rangatiratanga, te kaitiakitanga me te mātauranga. Hei aha? Hei whakarei ake i ngā hononga o te tangata whenua ki ā rātou taonga tuku iho, ā, mā reira anō e tiketike ake ai ngā putanga rerenga rauropi hei painga mō Aotearoa.

4A: Whakahoutia te tauira mana pupuri a te ngā whenua tūmatanui o DOC me te wai hei whakaahua i te hononga mauroa a te tangata whenua ki ēnei wāhi, ki ngā rawa me ngā taonga o roto

Whakahouanga Tūturu (i mua i te mutunga o 2026)

E tūtohu ana te ODG:

- me mahi tahi te tangata whenua me te Karauna ki te waihanga i tētahi rārangi tauira hou o te mana pupuri tiakanga taiao;
- kia tūāpapatia te rārangi tauira hou o te mana pupuri tiakanga taiao ki te Conservation Act;
- ko ngā kōwhiringa ēnei mō te rārangi tauira hou o te mana pupuri tiakanga taiao:
- te waihanga taitara whenua hou e whakaahua ana i te pānga o te tangata whenua me te Karauna; me
- te whakapuakanga o ngā whenua me ngā wai hei hinonga whakature, hei tangata rānei e whaimana ana ki ngā hinonga kāwanatanga (ko te tangata whenua anake, ko te tangata whenua me te Karauna rānei ngā māngai);
- te whakahokinga o te whenua ki te tangata whenua mō ngā take tiaki taiao i raro i ngā whakaūnga (me ngā whakaūnga whakatau o waho o Te Tiriti), ina koa e kitea ana he nui noa atu te pānga o te tangata whenua (hei tauira, ko ngā wāhi, ngā momo rānei e whaimana ana ki te whakapapa o te iwi, te hapū rānei);

¹⁸⁸ He ara ngāwari ake te whai i ngā whakataunga take a Te Tiriti ki te whakawhiti whenua ki te tangata whenua, nā te mea he whakature ahurei hei whakatinana i te whitinga. Ka noho ētahi atu ara whakawhiti i raro i ngā whakature me mātua whakatutuki e DOC me te Karauna, arā, me whakaatu he whenua āpiti ake o ērā me pupuri, ka mutu, e wātea ana ki te tuku; hei tauira, wāhanga 26(2) o te Conservation Act 1987, ngā mōtika whakataunga take whai muri o Te Tiriti, arā, kia riro tuatahi hei whakahē, me wāhanga 40 o te Ture Public Works 1981 (me whakatakoto tono ki ngā kaupupuri o mua mēnā rā kāore e hiahia ana mō tētahi hinonga tūmatanui - e ai te whakaaro he “public work” ngā whenua tiaki taiao).

- kia noho mai ko te kawa, te tikanga me te mātauranga hei whāngai i te rārangi tauira o te mana pupuri tiakanga taiao hou; ā
- mā te tangata whenua anō e tautuhi tōna kawa, āna tikanga, tōna mātauranga me ōna hononga ki te taiao.

Mō tēnei wā (i mua i te mutunga o 2022)

E tūtohu ana te ODG me whakarerekē ngā Kaupapa Here Arowhānui kia mātua kite ka oti mai ngā whakataunga mō ngā rironga hou, mō ngā kōmakatanga, mō ngā tukunga me ngā whakawhitinga i muri kē atu i te urunga o te tangata whenua.

4B: Arotakengia ngā kōmakatanga katoa e hāngai ana ki ngā whenua tūmatanui o DOC me te wai kia whaitake ai ngā hononga tangata whenua

Whakahouanga Tūturu (2021-2026)

E tūtohu ana te ODG:

- kia mahi tahi te tangata whenua me te Karauna ki te waihanga i tētahi rārangi kōmakatanga tiakanga taiao hou mō te whenua me te wai;
- kia tūāpapatia te rārangi kōmakatanga tiakanga taiao hou ki te Conservation Act;
- kia noho mai ko te kawa, te tikanga me te mātauranga hei whāngai i te rārangi kōmakatanga tiakanga taiao hou;
- mā te tangata whenua anō e tautuhi tōna kawa, āna tikanga, tōna mātauranga me ōna hononga ki te taiao.

E tūtohu ana te ODG me whakarerekē ngā Kaupapa Here Arowhānui kia mātua kite ka oti mai ngā whakataunga mō ngā rironga hou, mō ngā kōmakatanga, mō ngā tukunga me ngā whakawhitinga i muri kē atu i te urunga o te tangata whenua.

4C: Whakakorea te mana pupuri a te Karauna i ngā momo taketake

Whakahouanga Tūturu (i mua i te mutunga o 2026)

E tūtohu ana te ODG kia whakarerekētia te Conservation Act:

- kia whakakorea te mana pupuri o te Karauna i ngā kīrehe māori me ō te takutai moana;
- kia mārama ehara ngā kararehe māori haumarua o te taiao me te takutai moana i te taputapu noa iho;
- kia mōhio kāore ō te tangata mana pupuri i ngā kararehe māori haumarua o te taiao me ngā kararehe takutai moana;

- kia mōhio kāore i te Karauna te mana pupuri taonga i takea mai i ngā kīrehe haumaruru o te taiao me te takutai moana, ko te tangata whenua kē ia te kaupupuri i te mana o aua taonga.

4D: Whakatikahia ngā mōtika me ngā pānga o te tangata whenua i ngā whaitua wai māori me te moana

Ko ngā take e hāngai ana ki ngā puna wai māori me ngā taiao takutai moana ētahi o ngā haepapa i raro i te Conservation Act me ngā Kaupapa Here Arowhānui. Pēnā me ētahi atu tūtohu taiao, he hononga whakapapa, he hononga tūpuna anō ō te tangata whenua ki ngā roto, ngā awa me te moana. He wāhi ahurei ki te mauri me te hauora o te tangata whenua, ā-pāpori, ā-ohanga, ā-ahurea. He take tūturu mō te pūnaha tiaki taiao whakaū i Te Tiriti te whakatika i ngā mōtika me ngā pānga o te tangata whenua i roto i ēnei whaitua.

E tūtohu ana te ODG ēnei kia pēnei ngā Kaupapa Here Arowhānui, ngā hātepe arotake me te whakahou e pā ana ki te pūnaha tiaki taiao:

- kia mātua kitea ngā hononga ahurei o te tangata whenua ki ngā wai i ngā whaitua e rua, māori mai, moana mai, i kō atu o te hononga ki aua whenua; ka mutu
- kia mātua mōhiohia e tāria tonutia ana te whānui o ngā mōtika me ngā pānga o te tangata whenua ki te wai te whakatikatika (ina koa e haere tonu ana ētahi arotakenga, whakahouanga mātotoru)

Hei tāpiri anō ki ngā tūtohunga a ODG, he mea nui kia tatū te take mō ngā wai, ngā mōtika me ngā pānga o te tangata whenua kua roa nei e tārewa ana, otirā, kia haere tahi me te whakahouanga tūturu o te pūnaha tiaki taiao.

4E: Kia mātua kitea e wātea ana te tangata whenua ki te uru me te whakamahi i ngā

mea katoa e whakahaeretia ana i roto i te pūnaha tiaki taiao, arā, ngā whenua, ngā wai, ngā momo me ngā rawa. Tae atu ki ngā puka whakaaetanga me ngā umanga whai raihana.

He hononga nui tō te kaitiakitanga ki te urunga me te whakamahinga o ngā whenua tiaki taiao, ngā wai, ngā rawa me ngā momo, tae atu ki te mauri ora o te taha pāpori, ohanga me te ahurea o te tangata whenua, he nui tonu. I raro i Atikara 2 o Te Tiriti e oatingia ana te āheinga o te tangata whenua ki te uru atu me te whakamahi i te taiao. E whakaūngia ana ēnei mōtika i raro i te UN Convention on Biological Diversity¹⁸⁹, te UNDRIP¹⁹⁰ me *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020*.¹⁹¹

189 United Nations Convention on Biological Diversity, Ngā atikara 8 me 10.

190 UNDRIP, Ngā atikara 26 me 32(1).

191 *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020* (Department of Conservation, August 2020) kei 44 me 72.

I te kēhi a Te Kōti Matua mō *Ngāi Tai ki Tāmaki* i mārāma ki a rātou he mea nui te urunga me te whakamahinga ki ngā pānga whakamarohi, ohanga hoki o te tangata whenua. He mea kōrero anō me āta whakaaro te Karauna kia noho mātāmua mai te tangata whenua i roto i ētahi momo āhuatanga hei whakahaumarū i ēnei pānga.¹⁹²

Whakahouanga Tūturu (i mua i te mutunga o 2026)

E taea ai ngā taumata whakauru, whakamahi te whakatutuki e te pūnaha tiaki taiao me ngā ture, ā, e whaimana hoki ai Te Tiriti, e tūtohu ana te ODG:

- mā te tangata whenua e whakamana te maunga atu me te hauhake, te kato, te hao, te whakangau me te whakamahinga mō ngā take hauora, taha pāpori, ohanga me te ahurea;
- e whaimana ana te tangata whenua ki te whakarite pou tarāwaho ko te kawa, ngā tikanga me te mātauranga ōna pakiaka kia mārāma ai ki te huhua o ngā momo me te tautohu i ngā ritenga e toitū ai te hauhake, te kato, te hao, te whakangau me te whakahaerenga o ngā tupu me ngā kararehe (ōna wāhanga rānei);
- mā te tangata whenua e whakamana ngā umanga whai raihana mō te rangahau i ngā tipu me ngā kīrehe taketake;
- ko ngā hua ka ara ake i te whakamahia o ngā rawa ira taketake e tiria ana ki te tangata whenua i runga i te tika me te tōkeke, ā, e whakaae tahi ana.¹⁹³

Mō tēnei wā (i mua i te mutunga o 2022)

E tūtohu ana te ODG kia pēnei te panonitanga o ngā Kaupapa Here Arowhānui:

- me mātua noho mai he takohanga “will” mō te uru me te hauhake, te kato, te hao, te whakangau i runga i ngā ritenga o mua mehemea kua tutuki ngā āhuatanga e tika ana. Me pēnā hoki i runga i te whakaaro e arotau ana ki ngā ritenga o mua, tēnā i te mātai takitahi noa iho;
- whakakorea te herenga “an established tradition of such customary use at the place” e whakaaetia ai te whakamahi ki tā ō mua ritenga;
- me mātua tohutohu te hunga whakatau kia ahurei te whakaaro e māmā ai te āhuatanga pānga o te tangata whenua ki ngā taonga i te taha umanga whai raihana me ngā puka whakaaenga i roto i ngā rawa tiaki taiao.¹⁹⁴

192 *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 kei [90] - [91].

193 E hāngai ana tēnei ki te Nagoya Protocol to the United Nations Convention on Biological Diversity mō te tiri i ngā hua ka ara ake i te whakamahinga o ngā rauemi ira i runga i te tōkeke me te tika, ā, mā te Karauna e whakamana.

194 E hāngai ana tēnei ki te whakatau i *Ngāi Tai ki Tāmaki, i reira te kitenga a te Kōti Matua kīhai i tika i a DOC tōna whakatutuki i ngā mātāpono o Te Titiri i tana whakatau ki te tuku i te umanga whai raihana nā te mea i hē anō i a DOC te āta whiriwhiri i ngā pānga ohaoha o Ngāi Tai ki Tāmaki. I hē anō rātou, kīhai i whiriwhiri kia riro tuatahi mā rātou te kōwhiringa. Tirohia hoki ngā kitenga o Te Kōti Pira i *Ngai Tahu Māori Trust Board v Director-General of Conservation* [1995] 3 NZLR 553 (CA) kei 561 - 562.*

- Kia whakaurua he wāhanga e pā ana ki te whakamahinga taha ritenga tuku iho me te ahurea i raro i te Ūpokō “Peoples Benefit and Enjoyment”

Kei waho atu o ngā Kaupapa Here Arowhānui, e tūtohu ana anō te ODG, ko tētahi mahi tuatahi me kaha a DOC ki te mahi i te taha tonu o te tangata whenua:

- kia whai māramatanga ake te tūnga o ngā whakaaetanga a Ngā Aitanga a Nuku, me te āheinga ki te mau atu, ki te pupuri hoki i ngā kīrehe mate e tiakina ana mō ngā ritenga tuku iho ki tā te Kōti Matua titiro ki tā rātou whakatau i *Shark Experience Limited v PauaMac5 Incorporated* (nāna rā ētahi take maha e hono ana ki ngā haumarū whakature mō te kīrehe i raro i te Wildlife Act);¹⁹⁵;
- ki te whiriwhiri me pēhea e tutuki ai i a DOC āna takohanga Tiriti, ā-ture hoki e hāngai ana ki te āheinga ki ngā rauemi ahurea me ngā momo he taonga anō.¹⁹⁶

195 *Shark Experience Limited v PauaMac5 Incorporated* [2019] NZSC 111, [2019] 1 NZLR 791.

196 He mea whakataki ngā whakaaetanga Ngā Aitanga a Nuku i 2016 me tuku kia āhei te tangata whenua ki te whakahaere i te kohinga me te puritanga o ngā taonga ahurea mā te tuku puka whakaaenga rā atu, rā mai, e hāngai ana hoki ki tētahi mahere ahurea. He mea hanga ngātahi me DOC ngā mahere taonga ahurea - i ētahi wā e taea ana i raro i ngā whakatau take a Te Tiriti - kātahi ka whakamanā e te kaiwhakatau e tika ana (arā, e te Minita, e te Tumuaki Ahurei rānei, kei te āhua anō o te wāhi, o ngā momo, o ngā taonga). I te mea me whai whakaaetanga i raro i te Ture Wildlife mā roto mai o tēnei hātepe, ko tōna putanga ia ka nuku te āheinga whakaaetanga mō ngā taonga ahurea ki te tangata whenua ki te tuku puka whakaaenga ki ō rātou ake tāngata. I tēnei wā, kotahi te whakaritenga i tō Waikato-Tainui, ā, e kauneke ana ngā whakaritenga i te taha i ētahi atu Iwi/Hapū e 25 mō ēnei whakaritenga. He pōturi te naomanga iho ki te kapo i tēnei hātepe hou i ngā tau e whā ki muri, nā te tukitukinga o ngā kaupapa mātāmua. Heoi anō, nā te whakatau mō *Shark Experience*, e kī ana a DOC kāore ināianei e taea te whakamahi i wāhanga 53(1) o te Ture Wildlife ki te whakamana i te maunga atu me te puritanga ā-ritenga o ngā kīrehe haumarū kua hemo.

Tāhū kōrero 5. Nōhanga Kōtui Tiriti

Whakataukī

Ko te Tōtara i weherua he kai mā te ahi.

He akiaki te whāinga o tēnei whakataukī kia kaha ai te mahi tahi me te nōhanga kōtui i te tiakanga taiao. E whakapuaki ana i te āhua o te kauneke ka hua mai ina whakatōpūtia ngā pūkenga me te mātauranga o te tangata whenua rāua ko te tangata tiriti.

Tūtohunga 5

Whakahoutia te kāwanatanga me te whakahaerenga tiaki taiao hei whakaahua i te nōhanga kōtui Tiriti ki ngā taumata katoa.

Tūtohunga mātāmuri

- A.** Arotakengia, whakahoutia hoki ngā hinonga whakahaere tiaki taiao, tae atu ki te New Zealand Conservation Authority, ngā Poari Tiaki Taiao, me ētahi atu rōpū whakature hei whakaahua i te nōhanga kōtui o Te Tiriti.
- B.** Tikina ētahi taurira tōtika e hāpai ana i te nōhanga kōtui mana taurite, te whakamahere me te mahi whakatau ki ngā āwhata matawhenua e tika ana.
- C.** Whakamānawatia, whakatinanatia ngā whakaūnga whakatau a Te Tiriti, ōna haepapa, ōna whakaritenga, me te mōhio anō kāore e pau mai ki ēnei ngā hua katoa o te nōhanga kōtui Tiriti.
- D.** Me whakapanoni ināia tonu nei kia mātua kitea e uru ana te tangata whenua ki te mahi
- E.** whakatau e pā nei ki ō rātou pānga, tae atu ki ngā puka whakaaenga me ngā umanga whai raihana.

Tūtohunga 5: Whakahoutia te kāwanatanga me te whakahaerenga tiaki taiao hei whakaahua i te nōhanga kōtui Tiriti ki ngā taumata katoa

E takarepa ana ngā hanganga me ngā hātepe kāwanatanga, whakahaere tiaki taiao a te Karauna ki te whakatutuki i ngā mātāpono o Te Tiriti. E tāpiri nei ngā take i takarepa ai:

- E tautuhi ana ngā Conservation Act ko te Minita o te Tiaki Taiao, te Tumuaki-Ahurei rānei te kaiwhakatau ā-ture (kei te āhua tonu o te momo whakatau), ā, ko te tukunga o te mana whakatau e wātea ana ki te kaimahi kopounga anake o DOC.
- He whāiti tonu te whai wāhi mai o te tangata whenua ki ngā komiti tohutohu, ki ngā komiti-tuarua a te Poari Tiaki Taiao, kei raro rānei i ngā whakaūnga whakatau a Te Tiriti. He huhua noa ngā nōhanga kōtui, whai wāhitanga rānei o ngā nōhanga kōtui Tiriti i te tiakanga taiao i takea mai i ngā whakaūnga whakatau a Te Tiriti me ētahi atu ture e hāngai ana. Ko te mahi tahi ā-kāwanatanga, ā-whakahaeretanga e tuku mana whakatau ai ki ngā nōhanga kōtui Tiriti tētahi hanga. Ko tētahi atu he ara whakapakari i te whai wāhi o te iwi, i te aweawetia hoki o ngā whakataunga me ngā whakahaere e rātou.¹⁹⁷ Ko te raru ia, he mea hanga mō taua wā anake, kāore rānei e āta whakaarotia ana, ka mutu he tahitahi noa iho te mahi tahi ā-kāwanatanga, ā-whakahaeretanga.
- He tokoiti kē te whakakanohi tangata whenua kei ngā rōpū kāwanatanga mātāmua o te tiaki taiao – te New Zealand Conservation Authority (o te motu) me ngā Poari Tiaki Taiao (ā-rohe).¹⁹⁸ Ahakoa he mana ō ēnei rōpū ki te whakaū i ngā pūrongo whakahaere whakature (arā ngā rautaki me ngā mahere whakahaere tiaki taiao, me ngā mahere whakahaere rāhui ā-motu),¹⁹⁹ he mana hauwarea noa.
- Kāore ngā hātepe whakature mō te whakamarohi, te whakamōhio, te arotake me te whakaū i ngā pūrongo whakahaere whakature e āta tautohu ana i te whai wāhitanga o te tangata whenua hei nōhanga kōtui Tiriti.

197 Ina pēnei, ko te tikanga ehara te tangata whenua i te hunga whakatau. Ko ētahi tauria ēnei, ko te whakatū kōmiti whakamaherehere he kaikerēme rōpū te mematangā; ko te whakawhanake i tētahi mahere whakahaere tiaki taiao, ko tētahi wāhanga (ūpoko) rānei i tētahi rautaki whakahaere tiaki taiao me tētahi poari tiaki taiao; he kōmakatanga paparuatanga; he whakamiha whakature; he whakaaetanga i waenga i te taha Karauna me te Rōpū Kaikerēme; ā, he whakaaetanga hononga me DOC.

198 Kopoua ai ngā mema e te Minita o Te Papa Atawhai. He māngai Ngāi Tahu tō te NZCA, ā, nā ngā whakatau take a Te Tiriti kua oti he whakaritenga motuhake mō te whakakanohi tangata whenua i ngā Poari Tiaki Taiao 10 o te 15 (engari e whitu anake e whai kanohi tangata whenua ana).

199 Ka noho ēnei ki raro i Ngā Kaupapa Here Arowhānui me te ārahi i ngā whakatau a DOC e pā ana ki ngā mahi, tae atu ki ngā mahi ohaoha, ngā mahi ā-ritenga Māori me te uru, ka mutu, ka tū ana ki hea takiwā, ki hea takiwā.

- Ko Pou Tairangahau he whatunga ā-motu nā DOC – he kaimahi ā-rohe, āna kawenga he whakahaere nōhanga kōtui, he takawaenga mōhiotanga, whakaaro hoki i waenga i DOC me te tangata whenua – ka mutu pea ō rātou pūkenga hei kaitakawaenga ahurea-rua. Ko te raru ia, he wāhanga whakahaere kē nā reira e kore rātou e whakaaetia hei māngai i roto i te nōhanga kōtui Tiriti ki te tangata whenua.
- Nā ngā Kaupapa Here Arowhānui e wātea ana te Karauna ki te kōwhiri mena ka noho hoa kōtui ki te tangata whenua, kāore rānei.²⁰⁰ Ehara te Nōhanga Kōtui me te whakatau tahi i te ara auau mō ia āhuetanga, mō ia āhuetanga o ngā mahi a DOC. Ka noho hoa ōrite te tangata whenua ki te taha o “other interested persons and organisations”.²⁰¹ Ko te whakawhitiwhiti kōrero he wāhanga noa iho o te hātepe, kāore ōna here e mātua whakahau ana kia hōhonu te aro ki ngā tirohanga me ngā pānga o te tangata whenua.²⁰²

Hei whakatairite ki te pūnaha o te wā, ka tīkina e te ODG ngā tohutohu e whai ake nei nā te Rōpū Whakamana i whakaputa i *Ko Aotearoa Tēnei*:²⁰³

Kia kitea tēnei mea te Hoa Kōtui i ngā wāhi katoa o ngā mahi a DOC; me rapu e DOC he whai wāhitanga ki te nōhanga kōtui i roto i ana mahi katoa; ā, he tutohinga paearu matua ngā whai wāhitanga tiri mana whakahaere me te tangata whenua, engari anō te putanga rerekē e ākina ana e te whānui o ngā pēpēhitanga a ngā whakatau take a Te Tiriti i tēnei wā.

Nā reira ko ngā tūtohunga mātāmuri i raro i te Tāhū Kōrero Rima e whai ana kia mātua whakaahuangia e te kāwanatanga me te whakahaere tiaki taiao te nōhanga kōtui Tiriti ki ngā taumata katoa, i ngā mahi katoa a DOC.

Nā ēnei tūtohunga-mātāmuri ka whaimana ngā mātāpono o Te Tiriti i te mea ka noho ahurei kē te tangata whenua i mua i ētahi tūnga o tētahi hunga whaipānga noa iho i waenga i te tini, ā, ka whai kupu hoki te tangata whenua. Mehemea ka hōhonu ake te āta morimoria o tō te tangata whenua whai wāhi mai, ōna kawa, tikanga, mātauranga anō hoki i roto i ngā mahi a DOC, ka tairanga whakarunga ake ngā putanga tiaki taiao.

200 Hei tauira, ki tā Kaupapa Here 2(b), kotahi anake tōna hiahia kia pēnei ngā nōhanga kōtui «should be encouraged» me «may be sought and maintained».

201 Hei tauira tirohia Kaupapa Here 4.4(b) e pā ana ki te whakamaheretanga, te whakatūnga me te whakahaeretanga o ngā āpure moana.

202 Hei tauira, ngā Kaupapa Here 2(d) me 2(e) kotahi anake tōna hiahia kia whai wāhi te tangata whenua “will be consulted” ka whakawhanake ana he tūhinga whakamahere whakature, ā, kia pēnā anō “will be consulted” mō ngā kaupapa motuhake pēnei me ngā wāhi me ngā rawa ko te wairuatanga, te tātainga kōrero me te ahurea he taonga nui. Ko roto o ngā Kaupapa Here Arowhānui kāore he herenga e tuku ana kia mātua arohia tuatahitia ngā pānga me ngā tirohanga o te tangata whenua, ka mutu, kāore he kupu tohutohu e pā ana ki ngā raihana whai wāhi me ngā pānga o te tangata whenua ahakoa te mārama o te kupu tohutohu a te Kōti Pīra i ngā kēhi Ngāi Tai ki Tāmaki me Whales.

203 Te Rōpū Whakamana i Te Tiriti o Waitangi, *Ko Aotearoa Tēnei* (Wai 262, 2011), Pukapuka 1 kei 324.

5A: Arotakengia, whakahoutia hoki ngā hinonga whakahaere tiaki taiao katoa, tae atu ki te New Zealand Conservation Authority, ngā Poari Tiaki Taiao, me ētahi atu rōpū whakature hei whakaahua i te nōhanga kōtui o Te Tiriti

Me mātua whakatakoto he hanganga hou e whaitake ai ngā huinga a te Karauna me te tangata whenua, ā-motu mai, ā-rohe mai. Mā enei hanganga e whakatau ā-takitahi te taumata o te mana, o te aweawe rānei o te tangata whenua ki runga i ngā taonga (pēnei me te wāhi, ngā momo, ngā tūtohu, te aha, te aha). Ka mutu me whakatakoto hoki he tauira hou hei whakahaere i aua taonga.

E tūtohu ana te ODG i ngā panonitanga e whai ake nei mō te ture me te pūnaha:

- ākiritia te NZCA me ngā Poari Tiaki Taiao, ā, me whakatū i ētahi rōpū whakature hou kua whakahoutia nei te taha mana, ngā kawenga me te mematangā hei whakaahua i te nōhanga kōtui Tiriti me te whakatau whaitake ki ngā taumata ā-motu, ā-rohe hoki;
- kia kua ngā rōpū whakature hou e ārai, e haukoti rānei i ngā nōhanga kōtui hāngai o te wā, a muri ake rānei i waenga i DOC me te iwi/hapū ki ngā taumata ā-motu, ā-poari whakature hoki;
- kia whakatūria tētahi Kaikōmihana Paremata takitahi mō ngā nōhanga kōtui o Te Tiriti, ko ētahi o āna kawenga he aroturuki, he arotake, he mātai, ā, he pūrongo i te whakatinanatanga a DOC i ōna takohanga wāhanga 4;
- Kia whakatūria ētahi rōpū kāwanatanga, whakahaere hoki ki hea wāhi, ki hea wāhi, ā me takitahi te whakatūria o ēnei.

Pēnā i tō runga whakatakoto i te tūtohunga mātāmuri 1B, me mātua hui te Minita ki te tangata whenua kia mōhiotia ai te pitomata o tētahi rōpū whakakanohi tangata whenua (mā te tangata whenua anō e kopou), ā, māna e mahi tahi me te Minita, me DOC ki te ārahi, ki te whakahaere tikanga hei arotake i te pūnaha tiaki taiao me te whakatinanatanga o te whakahouanga whakature tūturu. Tae atu ki te whakatūngao ngā rōpū whakature i tūtohungia ai i raro i tēnei wāhanga.

5B Tikina ētahi tauira tōtika e hāpai ana i te nōhanga kōtui mana taurite, te whakamahere me te mahi whakatau ki ngā āwhata matawhenua e tika ana.

Whakahouanga Tūturu (i mua i te 2026)

E tūtohu ana te ODG i ngā panonitanga e whai ake nei mō te ture me te pūnaha:

- whakatōkia tētahi ahunga nōhanga kōtui Tiriti ki te whakahaere tiaki taiao, te rautaki me te whakamahere, tae atu ki te whakamahere pakihi, ngā tahua me ngā rauemi tautoko, he hātepe aroturuki me te arotake.
- kia kite e tautokona ana ngā tuhinga whakamahere a te iwi/hapū ka taka ana te wā ki te whakaputa whakatau e pā ana ki te whakahaere tiaki taiao, te rautaki me te whakamahere;

- whakatōkia tētahi ahunga nōhanga kōtui Tiriti ki ngā umanga whai raihana o te tiaki taiao me ētahi atu whakatau puka whakaaenga;
- whakatōkia tētahi ahunga nōhanga kōtui Tiriti ki te taha whakahaere o te tiaki taiao;
- panonitia ngā pae ā-rohe me ngā tuhinga whakahaere whakature e hāngai ana kia tika ai te whakaahuatua o te rohe me ngā pānga o te iwi/hapū;
- whakaritea kia uru atu te tangata whenua ki te whakahaere tiaki taiao, arā, nō rātou tonu he whenua i te taha, e karapotia ana rānei e ngā whenua me ngā wai o te tiaki taiao.

5C: Whakamānawatia, whakatinanatia ngā whakaūnga whakatau a Te Tiriti, ōna haepapa, ōna whakaritenga, me te mōhio anō kāore e pau mai ki ēnei ngā hua katoa o te nōhanga kōtui Tiriti.

Mō tēnei wā (i mua i te mutunga o 2022)

E tūtohu ana te ODG me whakamānawa e ngā Kaupapa Here Arowhānui me te whakahaerenga o te tiaki taiao:

- kia whakamānawatia, kia whakatinanatia ngā whakaūnga whakatau Tiriti o tēnei wā, o muri anō hoki;
- kāore e pau mai i ngā whakaūnga whakatau a Te Tiriti te pitomata eke panuku o Te Tiriti taha hoa kōtui, taha mātāpono;
- Ahakoa ngā whakaūnga whakatau a Te Tiriti, he takohanga tonu ka takea mai i ngā mātāpono o Te Tiriti me wāhanga 4. Ka mutu, ehara i te mea me whakawhirinaki te tangata whenua ki ngā whakaūnga whakatau a Te Tiriti hei whakamānawa, hei whakatinana hoki i ō rātou mōtika, pānga hoki i raro i Te Tiriti mō te tiaki taiao.

5D: Me whakapanoni ināia tonu nei kia mātua kitea e uru ana te tangata whenua ki te mahi whakatau e pā nei ki ō rātou pānga, tae atu ki ngā puka whakaaenga me ngā umanga whai raihana

Mō tēnei wā (i mua i te mutunga o 2022)

E tūtohu ana te ODG kia pēnei te whakapanonitia o ngā Kaupapa Here Arowhānui (waihoki ngā panonitanga ki te whakatinanatanga):

- me mātua noho mai he takohanga “will” ki te nōhanga kōtui me te tangata whenua, puta noa i ngā Kaupapa Here Arowhānui, ā, tae atu ki ēnei āhuatanga:
 - te whakawhanake rautaki, te whakahaere whakature me ngā mahere;
 - te whiriwhiri ina pupuri, whakahaere, tuku atu rānei i ngā taonga haumaruru, ngā taonga taputapu me ngā taonga;

- te whiriwhiri ina whakamaheretia ngā whakatūtū, pou whenua, papa iringa kōrero me ētahi atu whakamaumaharatanga;
- ina taea ana, te whakahaere mōrearea taiao;
- he kaupapa, he hinonga rānei e whaihua ana, e hāngai ana rānei ki a rātou;
- te whakatinana whakaaetanga o te ao;
- te whakarite me te whakarato ā-wāhi i te mōhioatanga me te pārongo;
- ngā hātepe aroturuki, pūrongo me te arotake;
- te rapu āheinga me te tautoko i te tangata whenua e tūhono anō ai, e pakari anō ai te hononga ki ngā whenua tuku iho, ngā wai, ngā taonga i te taha tiaki taiao;
- me whakatairanga te hononga ki ētahi atu, mā te whakamahi i ēnei kupu, hononga ‘collaborate, collaborative’, taihoa ake ngā kupu pēnei ‘partner, partnership’;
- me tāpiri tētahi atu takohanga e tohutohu ana kia ahurei te whakaaro e māmā ai te āhuatanga pānga o te tangata whenua ki roto i ngā whiriwhiringa tuku whai raihana me ngā puka whakaaenga;
- me whai kaupapa here ōkawa e pā ana ki ngā whāinga raihana, ngā puka whakaaenga me ētahi atu whakaaetanga o roto i ō rātou rohe. e noho hoa kōtui ai me te tangata whenua;
- me whai kia tika te whakamānawatia o ngā tuhinga whakamahere a te iwi/hapū me ētahi atu tuhinga hāngai e tautohu ana te iwi/hapū;
 - i roto i ngā rautaki whakahaere tiaki taiao, ngā mahere whakahaere tiaki taiao me ngā mahere whakahaere rāhui ā-motu;
 - i roto i ngā huringa pakihi me te whakamahere a ngā tari ā-rohe o DOC;
 - i roto i ngā mahi whakatau a DOC, te NZCA me ngā Poari Tiaki Taiao;
- ka mutu me tiki atu tētahi kaupapa here e akiaki ana i te kopounga o ngā māngai tangata whenua ki ngā Poari Tiaki Taiao katoa.

Tāhū kōrero 6. Tino rangatiratanga

Whakataukī

He rei ngā niho, he parāoa ngā kauae

Ko te aronga o tēnei whakataukī me tōtika ngā pūmanawa me ngā pūkenga mō te momo mahi, momo hinonga rānei. Kei te tangata whenua te mātauranga me te koronga ki te tiaki me te whakamahi i te taiao i takea mai ai rātou, ā, ka hia kē rautau e whanake ana. He mea nui ki te mauri ora o te taiao te tukunga o te mana whakahaere e tika ana ki te tangata whenua, taha kawenga, taha mana, mā konei e taea ai te tino rangatiratanga i roto i ngā mahi whakatau me te kaitiakitanga.

Tūtohunga 6

Whakaaetia te tukunga mana, te tukunga kawenga tae rawa atu ki te mana whakatau kaupapa kia motuhenga ai te tūnga me te whakatinanatanga o te rangatiratanga.

Tūtohunga mātāmuri

Me whai kia tautokona te tukunga mana whakahaere, te whakawhitinga me te tukunga mana mō ngā kawenga o roto i te pūnaha tiaki taiao ki te tangata whenua.

Tūtohunga 6: Whakaaetia te tukunga mana, te tukunga kawenga tae rawa atu ki te mana whakatau kaupapa kia motuhenga ai te tūnga me te whakatinanatanga o te rangatiratanga

I te nuinga o ngā wā, i raro i te whakaConservation Act ko te Minita me te Tumuaki-Ahurei anake ka āhei te tuku mana whakatau me ētahi mana o roto i DOC me ōna rōpū (ki te Tumuaki-Ahurei, ki tētahi kaimahi DOC rānei i te nuinga o te wā). Ko ngā tukunga mana i raro i tētahi Ture, ka noho tonu i raro i te anga o taua Ture mehemea he momo te tukunga mana (engari anō ētahi atu umanga he whānui te tukunga mana e wātea ana i raro i te Ture Tari Kāwanatanga). 2020²⁰⁴

E herengia ana e te Conservation Act me te National Parks Act te āheinga o te Minita ki te tuku mana ki tua atu o te Tumuaki-Ahurei, te NZCA, ngā Poari Tiaki Taiao me ngā kaimahi a DOC; ā, me te ārai anō i te āhei o te Tumuaki-Ahurei ki te tuku mana ki tua o ngā kaimahi a DOC. Kore ana he mana o roto i te Conservation Act ki te tuku mana whakatau e pā ana ki ngā whāinga raihana.

204 He tukunga mana whakahaere motuhake ō ēnei ture e whai ake nei: Conservation Act 1987 (ngā wāhanga 57 me 58); National Parks Act 1980 (ngā wāhanga 41 me 42); Reserves Act 1977 (wāhanga 10); Wildlife Act 1953 (ngā wāhanga 44 me 44A); Wild Animal Control Act 1977 (ngā wāhanga 6 me 7); me Marine Mammals Protection Act 1978 (wāhanga 21).

He mana hōhonu ake ō te Reserves Act me te Wildlife Act mō te tukunga o te mana e te Minita, hei taurira: i raro i te Reserves Act ka āhei te Minita ki te tuku mana whakahaere punanga ki tētahi tangata ahakoa ko wai, ki te komiti, ki te rōpū, ki tētahi rōpū whaimana ā-rohe, ki tētahi umanga rānei; me te Wildlife Act e whakaae ana mā te Minita e tuku mana ki te whakahaere i tētahi wāhi whakahaumarū i raro i te Ture ki tētahi rōpū, tangata rānei. I raro i te Wildlife Act kāore he āheinga ki te tuku i te mana whakahaere o ngā momo whakahaumarū. E ngū ana te reo o te Marine Reserves Act 1971 mō te tukunga o te mana.

Kore ana tētahi kōrero mō te rangatiratanga i roto i ngā Kaupapa Here Arowhānui ahakoa he takohanga nui te whakahaumarū hihiko e ahu mai ana i ngā mātāpono o Te Tiriti.²⁰⁵

I kōrerotia kētia i raro i te Tāhū Kōrero Whā, kua pai ake te panuku haere a DOC mā roto mai o ngā whakaaetanga o Ngā Aitanga a Nuku. He whai wāhitanga tēnei mō te whakahaere a te tangata whenua i te whakaeminga me te puritanga o ngā rauemi ahurea mā te tuku puka whakaaenga ina puta ake. Ko te raru ia, nā te kēhi *Shark Experience Limited v PauaMac5 Incorporated* a te Kōti Matua kua tikoki te tūnga o ēnei puka whakaaenga me DOC, inarā tē taea ngā whāinga wāhi i roto i te Wildlife Act hei whakamana i te maunga atu me te puritanga o ngā kīrehe haumarū kua mate.²⁰⁶

Me mātua whaimana motuhake te tangata whenua e taea ai te whakamahinga o te rangatiratanga e oatingia ana ki te tangata whenua i raro i Te Tiriti. Kāore e whakamanatia ana ngā mātāpono o Te Tiriti e te pūnaha tiaki taiao nā te mea kāore hoki ia e āta whai ana kia āheitia te whakamahinga o te mana motuhake e te tangata whenua ki runga i ā rātou taonga taiao.

Me whakamana e te pūnaha tiaki taiao me te whakature te rangatiratanga i runga anō i te hiahia o te tangata whenua ki te whakamahi i tōna mana motuhake, kia tika anō hoki te tautokona ki te pūtea me te rauemi. Anā anō te tikanga, mā te tangata whenua tonu e kōkiri te tukunga mana whakahaere o ngā kawenga me te mana, kia kua hoki te tangata whenua e tāmia rawatia.

He poto noa ngā tūtohunga i raro i tēnei tāhū kōrero i te mea he torowhānui ōna āhuatanga – nā konei he maha ngā tūtohunga i raro i ngā Tāhū Kōrero Tahī ki te Rima e taea ana (hei taurira, te āheinga o te tangata whenua ki te whakamana i te maunga atu, te rangahau rānei, te whakatau tahī rānei me te Karauna). Nā reira kia pānuitia tahitia ngā tūtohunga i raro i te Tāhū Kōrero Ono me ērā tūtohunga i raro i ētahi atu tāhū kōrero.

205 E ai ki tā te Rūnanga Tohutohu a te Karauna i *New Zealand Māori Council v Attorney General* [1994] 1 NZLR 513 kei 517.

206 *Shark Experience Limited v PauaMac5 Incorporated* [2019] NZSC 111, [2019] 1 NZLR 791.

6A: Me whai kia tautokona te tukunga mana whakahaere, te whakawhitinga me te tukunga mana mō ngā kawenga o roto i te pūnaha tiaki taiao ki te tangata whenua

Whakahouanga Tūturu (i mua i te mutunga o 2026)

E tūtohu ana te ODG me panoni te pūnaha tiaki taiao me te ture kia pēnei:

- me whakapūmau te rangatiratanga e oatingia ana e Te Tiriti hei whāinga matua me te mārama anō e tika ai te rangatiratanga me kawē ngātahi te taha mana me te rauemi;
- tukua te mana whakahaere o ētahi momo whakatau ā-kawenga, ā-mana ki te tangata whenua kei waho atu o DOC me ōna rōpū (pēnā i ēnā me whakamahi e whaimana ai ngā tūtohunga i raro i ngā Tāhū Kōrero Tahi ki te Rima);
- me whakaae kia nui anō te whāinga tuku mana whakahaere ā-kawenga, ā-mana ki te tangata whenua kei waho atu o DOC me ōna rōpū, āpiti atu ko ngā whakatau tohatoha me ngā kawenga puka whakaaenga.

Mō tēnei wā (i mua i te mutunga o 2020)

E tūtohu ana te ODG kia pēnei ngā panonitanga ki ngā Kaupapa Here Arowhānui me te whakatinanatanga o te tiaki taiao:

- me whakamānawa he takohanga nui te whakahaumarū hihiko o te rangatiratanga e ahu mai ana i ngā mātāpono o Te Tiriti;
- me whai kia tutuki te whakatinanatanga o ngā putanga tiaki taiao, i ngā wāhi e taea ana, ā, me te whai kia hāngai ki te rangatiratanga o te tangata whenua;
- whakaturia he aratakinga mō te āhua o te rangatiratanga ki te ao o ia rā, ka mutu, kia whakamātauria tōna tūnga ki ngā taumata o te iwi, te hapū me te whānau.
- me arotake tahi me te tangata whenua, ā, kia rite tonu te urutau ki ō rātou pānga ka whanake ana i te takanga o te wā i te taha anō o ngā mātāpono o Te Tiriti, ā, hei poi poi i ngā hātepe whakatau.

Tāhū kōrero 7. Te tautoko ā-pūtea

Whakataukī

Kua tawhiti kē tō haerenga mai, kia kore e haere tonu. He nui rawa ō mahi, kia kore e mahi tonu

Tā Himi Henare

E kōpakina ana i roto i tēnei whakataukī te huatau, tērā e eke panuku ai ngā panukutanga katoa i mana ai Te Tiriti i te pūnaha tiaki taiao mehemea rā ka whakamomori paku anō kia whai pūtea me te rauemi e tika ana hei tautoko.

Tūtohunga 7

Whakawhanaketia ngā pūkenga me te raukaha o DOC, o te tangata whenua hoki kia mana ai Te Tiriti.

Tūtohunga mātāmuri

- A.** Me whakawātea he pūtea, he rauemi mā DOC me te tangata whenua ki te whakawhanake pūkenga me te raukaha kia whaimana ai Te Tiriti, pēnei i ēnei, me ētahi atu mea:
- i. te mahi tahi hei hoa kōtui i te whakahouanga tūturu;
 - ii. te whakamahi i te mana motuhake me te uru ki ngā mahi whakatau;
 - iii. te whakawhanake kaupapa here, rautaki me ngā tuhinga whakamahere;
 - iv. te whakahaere tiaki taiao; me
 - v. te tūhono anō me te whakapakari i te hononga o te tangata whenua ki ngā whenua, ngā wai, ngā rawa me ngā momo taketake o te tiaki taiao.

Tūtohunga 7: Whakawhanaketia ngā pūkenga me te raukaha o DOC, o te tangata whenua hoki kia mana ai Te Tiriti

Nā te mea nō ahurea kē te tūāpapa o te pūnaha o te wā, kāore e kaha tōna whakatairanga i te uara o ngā tirohanga me te whāinga wāhi o te tangata whenua ki te tiaki taiao. Kāore e tika ana te tautokona ā-pūtea, ā-rauemi o ngā hanganga, ngā hātepe me ngā ritenga e whaimana ai Te Tiriti. Ehara hoki i te take mātāmua pēnā i tā DOC mahi. Kei tētahi taha a DOC, he iti ngā pūkenga o āna kaimahi e tutuki ai ā rātou takohanga Tiriti ki te tiaki taiao; kei tētahi atu taha te tangata whenua kāore ōna raukaha e whai wāhi ai ki DOC, ki te whakahaere whakatau me te whakatinana i te tiaki taiao.

I tōna hui whakawhiti kōrero, i rangona e te ODG inā te nui o ngā mahi tiaki taiao a te tangata whenua, he tūao, ā, e mahingia ana i ngā mutunga wiki i te taha tonu o ā rātou ake mahi ukiuki. He nui te tāmitanga o te tangata whenua puta noa i te pūnaha whakahaere taiao, ka mutu kore ana he pūtea, kore ana he rauemi tautoko. Kei te hē, ehara i te ahunga tika, toitū rānei ki te hanga i tētahi pūnaha tiaki taiao e whaimana ai Te Tiriti me ōna mātāpono.

Kua oti kē i a DOC te whakatū kōkiritanga i te taha o te tangata whenua hei tautoko ā-pūtea i tō rātou whai wāhi mai ki te tiaki taiao. I ngā tau o 1990, he mea whakatū te Komiti o Ngā Whenua Rāhui (tū takitahi i a DOC, engari whakaratohia ana e DOC) hei whakahaere i te pūtea Ngā Whenua Rāhui me Mātauranga Kura Taiao.²⁰⁷ Mā te Komiti te Minita o te Tiaki Taiao e whakamōhio me pēhea te whakapau i te pūtea, ā, kei te Minita te whakatau mutunga. He mea hoahoa te Pūtea o Ngā Whenua Rāhui hei whakahaumarū i ngā pūnaha hauropi iwi taketake kei runga whenua Māori hei tautoko i te puritanga a te tangata whenua i tōna rangatiratanga ki runga i ō rātou whenua.²⁰⁸ E tautoko ana The Mātauranga Kura Taiao Fund i ngā hinonga e arotahi ana ki te tiakanga, te whakarewanga me te mātauranga tuku iho i roto i te whakahaere rerenga rauropi.²⁰⁹

He tauira kinikini noa ēnei pūtea o te mahinga o wāhanga 4 o te Conservation Act, ā, me haere tonu. E whakaatu ana ēnei tauira e taea ana te whakarauemi tangata whenua hei whakatutuki i te tiaki taiao.

Ko tā ngā iwi titiro he “lifechanging”, he “as big as the Te Tiriti” hoki te āhuatanga o aua mahi me te hua o te pānga ki te hononga i waenga i te tangata whenua me te ao tūroa, nā reira me whakapau kaha te tangata whenua ki te ruku.²¹⁰

207 Kua hono tahi te Komiti a Ngā Whenua Rāhui ki DOC me Te Puni Kōkiri i roto i te whakawhanaketanga o Tauira Kaitiaki Taiao - he hōtaka whakamarohi tauira Māori.

208 Ko ngā taputapu matua e whakamahia ana ko ngā kawenata me tētahi whakaaetanga whakahaeretanga tautoko (i raro i te wāhanga 29 o te Conservation Act).

209 E tautoko ā-pūtea ana i ngā kaupapa pēnei i te tuhituhi i te mātauranga tuku iho me ngā ritenga; i te wānanga; i te whakawhanake pou tarāwaho taha ritenga Māori; te whakawhanake akoranga hei tuku i te mātauranga me ngā tikanga; te haumanu me te haumarū pūnaha hauropi mā te mātauranga tuku iho me ngā tikanga; ngā ritenga rongoā; te aroturuki i te taiao; me te whakaara ake i ngā ritenga o mua mō te whakahaere rerenga rauropi.

210 He mea kōrero ēnei tauākī i te hui whakawhitiwhiti kōrero a ODG i Motueka.

7A: Me whakawātea he pūtea, he rauemi mā DOC me te tangata whenua ki te whakawhanake pūkenga me te raukaha kia whaimana ai Te Tiriti, pēnei i ēnei, me ētahi atu mea:

- ii. te mahi tahi hei hoa kōtui i te whakahouanga tūturu;**
- iii. te whakamahi i te mana motuhake me te uru ki ngā mahi whakatau;**
- iv. te whakawhanake kaupapa here, rautaki me ngā tuhinga whakamahere;**
- v. te whakahaere tiaki taiao;**
- vi. te tūhono anō me te whakapakari i te hononga o te tangata whenua ki ngā whenua, ngā wai, ngā rawa me ngā momo taketake o te tiaki taiao.**

Nā te mea kāore he takohanga pūtea i ngā Kaupapa Here Arowhānui, e anga ana ēnei tūtohunga ki ngā panonitanga mō te whakahaere i te tiaki taiao me te tautoko ā-pūtea i te whakahouanga tūturu.

Mō te taha ki te raukaha me te pūkenga o te tangata whenua, e tūtohu ana te ODG mā te Karauna te tangata whenua e tautoko ki te pūtea:

- kia āhei te whakatū i ngā anga kāwanatanga me te whakahaere a te tangata whenua;
- kia tū ai ki te kōkiri i ō rātou pānga me te whakatinana i te mana motuhake me te mana whakatau i roto i ngā anga kāwanatanga me te whakahaere, o tēnei wā me o muri atu hoki;
- kia whaitake ai te whakahoā me te kōrero tahi i a DOC;
- te whakahaere tiaki taiao;
- me whakawhanake rānei he tuhinga whakamahere ā-iwi/hapū, me tautohu rānei he tuhinga hāngai kia whiriwhiria mō ngā take whakamahere me te whakatau;
- tautohua ngā momo puka whakaaenga, ngā whai raihana me ētahi atu tono e whai pānga ai te tangata whenua, i runga i te mōhio ka āhei te tangata whenua me DOC ki te tiki pūnaha e rōnaki ai te hātepengia o ēnei; ā,
- me whakawhanake, me aru ētahi ngohe mō te mauri ora taha pāpori, ohanga me te ahurea o roto/i te taha rānei o te pūnaha whai raihana/puka whakaaenga.

Kia pakari ake ai te pūkenga me te raukaha o DOC me te tangata whenua kia eke ki tētahi pūnaha tiaki taiao e mana ana i a ia Te Tiriti, e tūtohu ana te ODG, mō te taha pūkenga ki DOC;

- i raro i te maru o Te Pūkenga Atawhai me mātua whakangungu ngā kaimahi katoa o DOC, ngā mema NZCA me ngā mema o te Poari Tiaki Taiao– kia oti mai i roto i te tau tuatahi o tā rātou urunga ki te tūranga, ā, ka tōai atu ina tika ana i te roa o te wā kei reira rātou e mahi ana;

- kia whai wāhi ā-rohe te tangata whenua ki te whanaketanga me te whakahaerenga o tā Te Pukenga Atawhai whakangungu, kia kite e mārama ana ki ngā kaiuru te whakapapa, ngā tikanga, ngā uara me ngā pānga o te tangata whenua e toro nei rātou;
- arotakengia, whakanikohia te whakangungu Te Pukenga Atawhai a DOC kia mōhio e arohaeāetia ana te māramatanga o ngā kaimahi katoa o DOC ki Te Tiriti, ā, e whakangungua ana ki te āhua o te whakamana i ōna mātāpono i roto i ngā mahi a DOC. He ako rautaki hoki hei whakamana i ngā mātāpono o Te Tiriti.
- kia whakaurua te māramatanga ki Te Tiriti me ngā putanga hoa kōtui i te wā e whakarite ana i ngā paearu mahi mō ngā kawenga katoa o te tiaki taiao (arā, i ngā whakamārama rārangi mahi, i ngā mahere whakapakari tangata, i tētahi reta kawatau me ngā arotakenga ā-tau mō te mahi);
- te whakawhanake me te whakatinana i tētahi kaupapa here a DOC mō te kanorau me te whāinga wāhi. Kia whakaurua he ūnga pūrangiaho me te whai kia piki ake te kanohi tangata whenua i te rāngai mahi o te tiaki taiao;
- Kia whakahoutia te pūnaha whakamahere pakihi a DOC kia ū ai ngā Kaupapa Here Arowhānui me ngā mahere whakahaere whakature whāiti (hei tauira, Ngā Rautaki Whakahaere Tiaki Taiao me Ngā Mahere Whakahaere Rāhui-ā-Motu). Kia whakahoutia hoki ngā tuhinga whakamahere a te iwi/hapū me ērā e tautohu ana te iwi/hāpu e hāngai ana, ā, he pānga aweawe tōtika ki ngā whakatau mō te pūtea tautoko.

Te ara whakamua

Ko te tohu whakature taikaha mō ngā mātāpono o Te Tiriti i raro i ngā ture o Aotearoa, kei te Wāhanga 4 o te Conservation Act 1987. Ko te Conservation Act me ngā ture e 23 e whakarārangitia ana i te Āpiti 1 o taua Ture (tae atu ki te National Parks Act 1980),²¹¹, me “so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi”:

Ko te putanga ā-ture o te whakatau a Te Kōti Matua i *Ngāi Tai ki Tāmaki* e pā ana ki te whakamāramatanga me te whakatinanatanga o wāhanga 4, me mātua whakahaere, me whakamahi hoki te tiaki taiao o Aotearoa i raro i ngā Conservation Act e 24. Ka mutu me whai kia mana ai ngā mātāpono o Te Tiriti.

Ahako te tīhahataha o ngā tohutohu o mua i roto i ngā Kaupapa Here Arowhānui, ko ētahi atu whāinga, whiriwhiringa rānei i roto i te whakaConservation Act, kāore i runga ake o wāhanga 4 kei reira rā kāore e taurite ana ngā whakaritenga o ēnei Ture katoa me ngā mātāpono o Te Tiriti.²¹² Tēnā ko tēnei i whakaūngia e Te Kōti Matua me eke ngā whāinga whakature (whakature-kore rānei) kia taurite ki wāhanga 4, kia pai ai te whakamana i ngā mātāpono hāngai o Te Tiriti.²¹³

Mō te whakataunga o *Ngāi Tai ki Tāmaki*, ahakoa ngā āhuatanga e rua nei te kōwhiringa tono whai raihana me te tīhahataha o roto i ngā Kaupapa Here Arowhānui, e ai ki te ODG kei tua noa atu o ngā whakataunga ā-ture me ngā Kaupapa Here Arowhānui ngā hua o te whakatau a Te Kōti Matua. Nā te mea kua āta noho mātou ki te whiriwhiri whakaaro ki ngā putanga hāngai o te Rōpū Whakamana hōrapa noa i ētahi uiuinga, pūrongo maha āna, āpiti anō ngā wheako tūturu o ngā mema o te ODG, ngā tirohanga a ngā iwi me ētahi atu i ngā huinga whakawhiti kōrero a ODG, e whakapono ana mātou ko te hanga tīhahataha o roto mai i ngā Kaupapa Here Arowhānui te tohu whakaatu arā kē te hōhonu me te auau o te hē ki te whakamana i ngā mātāpono o Te Tiriti i te tiaki taiao.

Kua whakatakotoria ngā take i tēnei Pūrongo me ā mātou tūtohunga. Na konei ka whakaaro iho te ODG, i tua atu o te panonitanga o ngā Kaupapa Here Arowhānui me ētahi atu kōkiritanga ā-wā kua tautohua e mātou, me mātua tū he arotakenga mātotoru, whakahou anō hoki i te pūnaha tiaki taiao me āna whakature tautoko. Ki tā mātou anō titiro, tā ODG, me tautoko mārika he whakahouanga tūturu, he panonitanga huringa kia mātua kite e arotahi ana te tiaki taiao i Aotearoa ki te nōhanga kōtūi hihiko i waenga i te Karauna me te tangata whenua. Ka mutu, e aro ana anō kia mana ai ngā mātāpono o Te Tiriti, ā, kia arohia ngā take taiao, huarere me te rerenga rauropi o te rautau 21 hei painga mō tātou katoa.

Koinei tā mātou wero e takoto nei ki mua i te aroaro o te Tumuaki-Ahurei, te NZCA me te Minita, otirā te Karauna. Nau mai tēnei Pūrongo, takoto!

Tūngia te ururua kia tupu whakaritorito te tupu o te harakeke

211 Ahakoa e 24 ngā ture e whakarārangitia ana i te Āpitihanganga 1, he mea whakakore te West Coast Wind-blown Timber (Conservation Lands) Act 2014 i te 1 o Hūrae 2019.

212 *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 kei [76] – [77].

213 *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 kei [54].

Te Āpitihanga TUATAHI

Ngā ture whakahaere mō ngā arotake whāiti

Ko ngā arotake whāiti:

- ka herea ki te aromatawai i te whakaaturanga o ngā whai whakaarotanga o wāhanga 4 – arā, tā mātou here ki te whakamana i ngā mātāpono o Te Tiriti o Waitangi – puta noa i ngā wāhanga katoa (tae atu ki ngā Kaupapa here e whakapuakina ana me te ārahitanga anō hoki) o ngā kaupapa here whānui;
- ka whakahou i te whakaaturanga o ngā ‘Principles of Crown action on the Treaty of Waitangi’ nō te tau 1989 kua whakaurua hei kupu whakataki ki Wāhanga 2;
- ka whai whakaaro mēnā rānei me whakahou ētahi āhuatanga o ngā kaupapa here whānui i runga i ngā whakahau o Te Rōpū Whakamana i Te Tiriti o Waitangi ki tana pūrongo, ‘Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity’, me ngā take i hāpaitia ki te kerēme Wai 262;
- ki te horopaki o ngā whai whakaarotanga o wāhanga 4 anake, aroturuki i te hāngaitanga tētahi ki tētahi o ngā rerenga kōrero e whakamahia ana i tēnei wā ki te Conservation General Policy me te General Policy for National Parks, me te tautuhi i ngā wāhi ka taea te whakatutuki i te hāngaitanga pai ake;
- ka tautuhi i ngā here o nāiane (mēnā rānei he here) ki roto i ngā whakaritenga Kaupapa here whānui ake, tae atu ki ngā ture, me ngā rongoā ka taea pea.

Kāore ngā arotake whāiti e:

- whakarerekē i ngā ture matua;
- pā tōtika ki te whai whakaarotanga o te hunga hanga whakatau ki ngā whakatau tukunga tohitū (ōrite rānei) i te wā e haere ana te hātepe arotake whāiti;
- whakarerekē i te tukunga o te mahi whakamahere whakahaerenga ā-ture a Te Papa Atawhai, tae atu ki te whakamarohitanga, te arotakenga hoki/rānei o ngā rautaki whakahaere whāomoomo, ngā mahere whakahaere papa rēhia ā-motu, ngā mahere whakahaere whāomoomo hoki, i te wā e haere ana te hātepe arotake whāiti;
- te pā atu ki te ihirangi o te DOC Strategy, ngā Stretch Goals, ngā Intermediate Outcomes rānei, te hoahoa o ngā pūnaha a Te Papa Atawhai (ngā ngātahitanga, te kaupapa here, ngā manuhiri, ngā whakaaetanga), te kiko rānei o ngā aratohu ā-roto a Te Papa Atawhai (hei taura, ngā Standard Operating Procedures), i te wā e haere ana te arotake whāiti.

I te wā e haere ana ngā arotake whāiti, ka mahi tonu a Te Papa Atawhai i āna mahi e ai ki te aronga kua whakatakotoria e te Kōti Matua ki *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122.

Te Āpitihanga TUARUA

Te kape hukihuki i whakahoutia e marohitia ana, o te Ūpoko 2 o ngā Kaupapa Here Arowhānui (ngā herenga Tiriti o Waitangi)

2. Tiriti o Waitangi / Treaty of Waitangi

Me whakahāngai rawa, me whakahaere rawa te Conservation Act 1987 me ngā Ture katoa e rārangi ana i roto i tōna Whakamārama 1 (hui katoa, **ko ngā Conservation Act**) kia “mana ai ngā mātāpono o te Tiriti o Waitangi” (wāhanga 4, Conservation Act 1987). Ka pā te herenga nei ki ngā tāngata katoa e whakamahi mana ana, e kawea ana i ngā kawenga me ngā mahi i raro i ngā Conservation Act.

Mā te whai wāhi a te tangata whenua ki te whakahaerenga kaupapa tiaki taiao e taea ai ngā mahi tītike o te tiakanga rawa taiao, o ngā taonga hītori tuku iho, o ngā taonga ahurea tuku iho hoki. He hōhōnu, he roroa te hononga, te mārāmatanga hoki o te tangata whenua ki te taiao, ki te ao tū roa. Mō te tangata whenua, he whanaunga ki a ia ko ngā āhuatanga katoa o te taiao, pēnei me ngā kararehe, ngā rākau, ngā awa, ngā maunga, me ngā roto moana; e tūhono ā-whakapapa ana, ā, he mauri tō tēnā, tō tēnā. Nā konei te herenga ki te manaaki, ki te whāngai, ki te tiaki i te taiao, ka whakaahuatia paitia e te ariā nei, te kaitiakitanga. E tūhono ana te matatika me te herenga o te kaitiakitanga ki te hononga ā-whakapapa pāhekoheko o te tangata whenua ki te taiao. He hononga tauutuutu tēnei nā, ā, ko te whāinga nunui ko te tauritenga, ko te ihonui.

Ko Te Tiriti o Waitangi (**Te Tiriti**) te tuhinga pouhere taketake o Aotearoa. Nā i whakatū te pou tarāwaho pouhere mō te hononga e waenga i te tangata whenua me te Karauna. Me nui atu te mana o te tuhinga reo Māori o Te Tiriti.²¹⁴ Ko te kupu taurangi a Te Tiriti:

- ko te tika a te Karauna ki te whakamahi i te kāwanatanga (Ko te Tuatahi);
- ko te tika o te tangata whenua ki te whakatinana i te tino rangatiratanga i runga i ōna whenua, kāinga, taonga hoki (Ko te Tuarua); ā,
- ko te tika o te tangata whenua ki te tiakitanga a te Karauna, me ngā tikanga katoa rite tahi ki āna mea ki ngā tāngata o Piritānia /ngā kirirarau o Aotearoa (Ko te Tuatoru).

214 He kaha Te Rōpū Whakamana i te Tiriti o Waitangi ki te tahuri ki te tuhinga reo Māori o Te Tiriti, me te kore noa e huri tuarā ki te mana kāwanatanga o te Karauna i te wā nei, he kaha nō te tāmokohanga, nō te arongia o taua tuhinga e ngā rangatira. Tirohia Te Rōpū Whakamana i te Tiriti o Waitangi *He Pāharakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry* (Wai 2915, 2021) kei te 10-11. Hei tāpiri ki tērā, ka whakahau te ture contra proferentum, mehemea ka kōrehurehute tikanga, me whakarite ngā ritenga kia tahuri atu i te hunga nāna nei te ritenga i tuhituhi (i konei, ko te Karauna o Piritānia).

Ko te kupu “ngā mātāpono o te Tiriti o Waitangi”, e kitea ana i roto i te wāhanga 4 o te Conservation Act, he mea hanga nā te Karauna i whakaurua tuatahitia ki roto ki te whakaturetanga ki te Ture Tiriti o Waitangi 1975. Ka huaina mai ngā mātāpono o Te Tiriti e ngā Kōti, e Te Rōpū Whakamana i te Tiriti o Waitangi hoki i te tuhinga, te wairua, te takune me ngā āhuetanga o te wā o Te Tiriti.

Kua whanake ngā mātāpono o Te Tiriti i te takanga o te wā. E kore e taea tētahi rārangi whakamutunga o ngā mātāpono Tiriti, he haere tonu nō ngā herenga Tiriti; ka whanake haere i tētahi whakatipuranga ki tētahi whakatipuranga i te huringa o ngā tai.²¹⁵ Ahakoa rā, kua oti i ngā Kōti me Te Rōpū Whakamana i te Tiriti o Waitangi ētahi mātāpono huhua te whakamana, he mātāpono e tū mārō ana ināianei, e hāngai pū ana ki te tiakanga taiao, ā, ka whakahāngaitia tonutia, ka whakamahia tonutia.

Ko ētahi o aua mātāpono ko ēnei:

- te nōhanga kōtui;
- te tiakanga kakama;
- te whakawhanaketanga; ā,
- te puretumu.

I tapatahi ngā whakaaro o te Kōti Pira i te whakataunga Lands 1987, he whakataunga para huarahi nei, arā i whakatauria ko tēnei mea Te Tiriti he “tohu o tētahi nōhanga kōtui whakahirahira i waenga i ngā iwi” e whakahau ana “kia tū te Karauna hei hoa kōtui ki te hoa kōtui Māori i runga i te ngākau pono, ko taua herenga hoki te tohu o te nōhanga kōtui”.²¹⁶

E whakaarohia whānuitia ana te mātāpono nei, te nōhanga kōtui, hei tikanga whānui i ahu mai ai ētahi atu mātāpono matua o Te Tiriti. E herea kikitia ana ki te mātāpono nōhanga kōtui, ko te tiakanga mātātoa nei, te rangatiratanga, tētahi o ngā herenga nui rawa e pā ana ki te tiakanga taiao e hua ake ana i ngā mātāpono o Te Tiriti.

E takea ana ngā kaupapa here o roto i te ūpoko nei i te whakahāngaitanga a ngā Kōti me Te Rōpū Whakamana i te Tiriti o Waitangi, te tuhinga o Te Tiriti, me te wāhanga 4 o te Conservation Act. Ko te take nui, ka whakahau te wāhanga 4 (e whāngaihia ana ki te whakatau a te Kōti Matua i te whakawākanga *Ngāi Tai ki Tāmaki*) kia whakamanatia ngā mātāpono o Te Tiriti ki te taumata tiketike rawa i te wā e whakamahia ai ngā kaupapa here nei ki te whakatau kaupapa. Waihoki i ngā wā e whakawhanaketia ai, e whakamahia ai, e whakatinanatia ai ētahi atu kaupapa here, mahere, hātepe hoki i raro i ngā Conservation Act.

215 *Te Rūnanga o Muriwhenua Inc ki te Rōia Matua* [1990] 2 NZLR 641 kei te 656 (CA). Tirohia hoki Te Kaunihera Māori o Aotearoa ki te Rōia Matua [1987] 1 NZLR 641 kei te 642 me te 656.

216 *Te Rūnanga o Muriwhenua Inc ki te Rōia Matua* [1987] 1 NZLR 641 (CA), hei tā Cooke P kei te 664; tirohia hoki tā Richardson J kei te 682; hei tā Somers J kei te 692-693; me tā Casey J kei te 702.

Ka whirinaki te āhua o te whakamahinga o aua mātāpono ki ngā āhuatanga whāiti o ia kēhi, o ia kēhi. Waihoki, pērā anō i te mātāpono nōhanga kōtui, me whāngai, me arataki hoki e ngā whakaaro, ngā kawa, ngā tikanga me ngā mātauranga o te tangata whenua (iwi, hapū, whānau) ki ō rātou wāhi, me ōna pānga ki ngā whenua, ngā rerenga wai, ngā momo, me ētahi atu taonga e tika ana. I ngā wā katoa, me take mai te hononga hoa kōtui i waenga i Te Papa Atawhai me te tangata whenua i te whakaaro pai o tētahi ki tētahi, te hōnore, te mahi tahi, te whakaute, me te whai whakaaro hoki o ngā mahi whakatau kaupapa.

Ka whakaahua tētahi ahunga ki te tiakanga taiao, e aro pū ana ki ngā mātāpono o Te Tiriti, i te whakakitenga tahitanga mō tētahi rerenga rauropi taketake taurikura, mo tētahi taiao taurikura:

e whakamana ana, e tiaki ana i te mauri me te tūhonohonotanga o ngā āhuatanga katoa o te taiao, tae atu ki te oranga me te hauora ōna;

e hāpai ana i te hononga ā-whakapapa tūturu i waenga i te tangata whenua me te taiao; ā,

e whakaū ana, e whakarite ana i te whakamahinga, i te paitanga o te taiao hei oranga mō ngā whakatipuranga e haere mai nei.

Kaupapa here

2 Ngā herenga Te Tiriti o Waitangi

Wāhanga 4

- (a) Me kaua ngā mātāpono o Te Tiriti e mahia, e whakaarohia hei wāhanga noa iho o tētahi ngohe whakataurite i ētahi atu take e hāngai ana, ā, ka kore e turakina e ētahi atu whāinga i raro i ngā Conservation Act (hei tauira, te whai wāhi a te marea, te whakarekareka, ngā mahi ngahau, ngā mahi tāpoi rānei). Engari kē ia, me tutuki ētahi atu whāinga katoa, e ai ki te wāhanga 4, kia mana ai ngā mātāpono o Te Tiriti ki te taumata tiketike rawa.
- (b) Me whakahāngai, me whakamahi hoki ngā ritenga katoa o ngā Conservation Act, ā, me kawea hoki ngā herenga, ngā hātepe me ngā whakataunga e ahu mai ana i ngā Conservation Act (me te whakamahinga me te whakatinanatanga o tēnei Kaupapa Here Arowhānui hoki) e ai ki te wāhanga 4, kia mana ai ngā mātāpono o Te Tiriti ki te taumata tiketike rawa.

Te nōhanga kōtui, te rangatiratanga

- (c) Ka kawea ngā mahi i te taha o te tangata whenua i runga i te ngākau māhaki, te hōnore, me te ngākau pono.
- (d) I ngā wā e taea ana, ka whakatutukitia ngā putanga tiakanga taiao kia hāngai ai ki te whakamahinga o te rangatiratanga me te kaitiakitanga a te tangata whenua.
- (e) Ka āta kimihia, ka āta whakaaetia, ka āta puritia, ka āta tautokona hoki ngā nōhanga kōtui me te tangata whenua e pā ana ki te tiakanga taiao.
- (f) I ngā wā e rapua ai, e whakaaetia ai e te tangata whenua, ka whakawhanaketia, ka whakatinanahia hoki ētahi kawa, ētahi atu whakaaetanga pērā rānei i waenga i te tangata whenua me te Tari hei tautoko i te nōhanga kōtui.

- (g)** Ka tika te āhua o te nōhanga kōtui me te tangata whenua ki ngā āhuatanga o ngā rohe, ā, ka whai wāhi ko ēnei mea, engari kāore e whakawhāititia ki ēnei mea anake:
- (i) ko te whakahaerenga ā-kāwanatanga o ngā whenua tiakanga taiao, ngā wai, ngā momo me ētahi atu taonga ka aratakina e te tangata whenua, ka aratakina tahitia rānei e Te Papa Atawhai me te tangata whenua; ā,
 - (ii) ko te whakahaerenga o ngā whenua tiakanga taiao, ngā wai, ngā momo me ētahi atu taonga ka aratakina e te tangata whenua, ka aratakina tahitia rānei e Te Papa Atawhai me te tangata whenua.
- (h)** Me whāngai rawa e ngā nōhanga kōtui me te tangata, me te herenga hoki ki te āta tiaki, ki te āta whakamana i te whakatinanatanga o te rangatiratanga me te kaitiakitanga, ko ēnei mea:
- (i) ko te whakawhanaketanga, me ngā kai o roto, o ngā rautaki me ngā mahere whakahaerenga i raro i te ture;
 - (ii) ko ngā whakataunga o ngā tukunga, ngā whakaaetanga me ētahi atu whakamanatanga;
 - (iii) ko ngā whakataunga o ētahi whiwHINGA, whakakōmakatanga, whakawāteatanga, whakawhitinga hou rānei;
 - (iv) ko ngā whakataunga kia puritia, kia whakahaeretia, kia whakawāteatia rānei ngā taonga haumarū me ngā taonga taputapu, tae atu ki ngā taonga tūturu;
 - (v) ko ngā whakataunga mō ngā tohu whakamaharatanga, ngā pou whenua, ngā papa whakamaharatanga, ētahi atu whakamaharatanga rānei;
 - (vi) ko te rongoā i ngā mōreareatanga māori;
 - (i) ko te whakaaroaro i ētahi tono whāiti, ētahi hinonga rānei e kaingākau ai te tangata whenua, e hāngai ana rānei ki te tangata whenua;
 - (ii) ko te mahi rangahau;
 - (iii) ko te whakatinana i ngā whakaaetanga ā-ao ki ngā wāhi tika;
 - (iv) ko te whakawhanake, ko te tukutuku i ngā akoranga me ngā pārongo e hāngai ana ki ētahi wāhi whāiti; ā,
 - (v) ko te aroturuki, ko te pūrongo, me te aromātai i ngā hātepe.
- (i)** E pai ana kia noho mātāmua ko ngā pānga a te tangata whenua ki ngā whenua, ngā wai, ngā momo me ētahi atu taonga kei whakaarohia ana ngā tukunga me ngā whakaaetanga i roto i ngā whenua tiakanga taiao.
- (j)** Me rite tonu te arotakea, te whakahoutia hoki o ngā whakaritenga nōhanga kōtui me te tangata whenua.
- (k)** Me tū tonu te ritenga kia rawaka ngā rauemi e tukuna ana ki te tangata whenua hei tautoko i whakatinanatanga o te kaitiakitanga me te rangatiratanga i roto i ngā mahi tiaki taiao.
- (l)** Me tika hoki te arongia o ā ngā iwi, ā ngā hapū hoki tuhinga, me ētahi atu tuhinga e tautuhia ana e ngā iwi me ngā hapū hei tuhinga e hāngai ana, i roto i ēnei:

- (i) ko ngā tuhinga whakamahere ā-ture;
- (ii) ko ngā wāhanga mahi, ko ngā wāhanga whakamahere a ngā tari ā-rohe o Te Papa Atawhai; ā,
- (iii) ko ngā wā e noho ai Te Papa Atawhai, te New Zealand Conservation Authority me ngā poari tiaki taiao ki te whakatau kaupapa.

(m) Me kopou rawa he māngai tangata whenua ki ngā poari tiaki taiao katoa.

Te kawa, te tikanga me te mātauranga

- (n)** Mā te tangata whenua, e whai pānga e hāngai ana ki te wāhi, hei whakatau, hei whakaahua i ngā kawa, ngā tikanga me ngā mātauranga ā rātou e pā ana ki ngā whenua tiaki taiao, ngā wai, ngā wāhi tapu, ngā momo me ētahi atu taonga, me ō rātou hononga hoki ki aua mea.
- (o)** Ka whakapuiakitia ngā kawa, ngā tikanga me ngā mātauranga a te tangata whenua, ā, ka whāngai hoki ēnei i ngā mātāpono, ngā mahi, te whakahaerenga me te whakatinanatanga o te tiakanga taiao.
- (p)** Ka whakamānawatia te whakahirahira o ngā kaupupuri o ngā kawa, ngā tikanga me ngā mātauranga o roto o te tangata whenua ki ngā kupu tohutohu katoa mō te whakahāngaitanga me te whakatinanatanga o ngā kawa, ngā tikanga me ngā mātauranga i roto i ngā mahi tiaki taiao.
- (q)** Ka tautokona te hononga o ngā iwi me ngā hapū ki a ngāi tupu, ki a ngāi kīrehe e pā ana ki ngā kawa, ngā tikanga, me ngā mātauranga.
- (r)** Tērā te whakaaro e tautoko ana i te whakaaetanga o te hauhake, te kato, te hao, me te whakangautuku iho, te kohinga, te whakamahinga me te whai wāhi hoki ki ngā tupu, ngā kararehe me ngā rawa, mehemea:
 - (i) e tautokona ana e te tangata whenua;
 - (ii) kāore e tukituki ki ētahi Ture, ētahi waeture hoki (tae atu ki ngā whakature mahinga ika) e hāngai ana, ētahi rautaki tiaki taiao me ētahi mahere e hāngai ana (me te mōhio anō me whai hoki aua momo rautaki, aua momo mahere tonu rā i te wāhanga 4, ā, me mana i aua mea ngā mātāpono o Te Tiriti); ā,
 - (iii) kāore e pāngia kinotia te tiakitanga, te oranga tonutanga rānei o ngā momo taketake i aua wāhi.
- (s)** Ka hāpaitia, ka whakatūturutia ko ngā whakaaetanga e taea ai e te tangata whenua te whakahaere i te kohinga, te puritanga hoki o ngā rawa taonga mā te tuku whakaaetanga i runga i te whakahaerenga o ngā mahi i ia rā.
- (t)** Ka whakamānawatia, ka tautokona hoki ngā kawa, ngā tikanga, ngā mātauranga me ngā pānga a ngā tangata whenua ki ngā mahi rangahau, me ngā whakaaetanga me ngā tukunga e hāngai ana, e ngā nōhanga kōtui mahi tahi, tae atu ki te tuaritanga o ngā whakakitenga rangahau ki te tangata whenua.
- (u)** Ka āta tautuhia, whakatairangatia, tautokona hoki ngā ko ngā āheinga, mā roto i te tiakanga taiao, ki te tūhono anō, ki te whakapakari hoki i ngā hononga o te tangata whenua ki ngā whenua, ngā wai, ngā momo me ētahi atu taonga e hāngai ana, e whai pānga tuku iho ai rātou.
- (v)** He taonga te reo Māori, ā, me whakamahi i ngā wā katoa e taea ana.

- (w)** I ngā wā e puta ai i roto i ngā pārongo tūmatanui he kōrero mō ngā wāhi, ngā rawa whakahirahira rānei ki te tangata whenua, me tika hoki te whakamahinga o te reo Māori, ā, i ngā wā e whakaae ai te tangata whenua me puta hoki he kōrero, me hāpai hoki ngā rōpū e hāngai ana, ngā tikanga me ngā uara a te tangata whenua.
- (x)** Ka whakawhanaketia tahitia me te tangata whenua he whakaruruhautanga hei whakatūturu ka kore hē tā te Karauna whiwhi, whakamahi rānei i ngā kawa, ngā tikanga me ngā mātauranga.
- (y)** I ngā wā e taea ai, me urutau hoki ngā rohenga tiakanga taiao kia pai atu ai te whakaahuatanga o ngā rohe me ngā pānga a te tangata whenua (ngā iwi me ngā hapū).

Puretumu

- (z)** Ka whakamānawatia, ka whakatinanatia hoki ngā whakataunga Te Tiriti.
- (aa)** I roto i ngā whakataunga Tiriti, ka whiriwhiria he puretumu tiakanga taiao tika, he puretumu pai, e pai atu ai te whakatinanatanga o te rangatiratanga me te kaitiakitanga.
- (bb)** Ka kore e kapi, ka kore e whakawhāititia e ngā herenga, e ngā whakaaetanga hoki o ngā whakataunga Tiriti i te whakatinanatanga o ngā āhuatanga katoa o te nōhanga kōtui i waenga i te Karauna me te tangata whenua i raro i Te Tiriti, tae atu ki te pānga tonutanga o ngā herenga i raro i te wāhanga 4 o te Conservation Act.
- (cc)** Ka āta whakamānawatia, ka āta whakaritea te wāhi o ngā tika me ngā pānga o te tangata whenua ki ngā whenua tiaki taiao, ngā wai, ngā momo me ētahi atu taonga, ki tua noa atu i ngā ritenga o ngā whakataunga Tiriti.
- (dd)** Ka wherawherahia ngā nawe o ēnei rā e whakaarahia ana e te tangata, ā, ka whakaritea he rongoa tika, he rongoa pai.

Te Āpitianga TUATORU

Tūtohi whakarāpopoto o ngā tūtohunga

Tāhuhu	Tūtohunga	Tūtohunga matāmuri
<i>Whakahouanga tūturu</i>	1. Whakahaeretia tētahi whakahouanga tūturu o te pūnaha tiaki taiao katoa tokitoki.	<p>A. Kia arotakea, kia whakakapia hoki te Conservation Act 1987 me ngā Ture katoa o te whakamārama 1 e hāngai ana (tae atu ki ngā kaupapa here, ngā rautaki me te whakatinanatanga e tika ana) hei whakamānawa i Te Tiriti, hei whakarite hoki kia whaitake ai te whakatinanatanga o te rangatiratanga me te kaitiakitanga e te tangata whenua, kia ora rawa ai te mauri o Papatūānuku.</p> <p>B. Kia whakamanatia te ahunga o te nōhanga kōtui Te Tiriti i roto i te whakahouanga tūturu o te pūnaha tiaki taiao.</p>
<i>Pūtake o te tiakanga taiao</i>	2. Whakahoutia te aronga o te pūtake o te tiakanga taiao hei whakaū i tōna aronga pū mō Aotearoa.	A. Kia whakaūngia te māramatanga hou o te tiakanga taiao e hāngai pū ana ki Aotearoa, e whakaahua ana i ngā whakaaro o te tangata whenua me te tangata tiriti hoki, ā, e tautoko ana i te rerenga rauropi taketake e mauri ora ana.
<i>Tikanga</i>	3. Kia noho poutokomanawa mai ko te kawa, te tikanga me te mātauranga i roto i te pūnaha tiaki taiao.	<p>A. Kia whakaūngia te mana o te mātauranga me te hāpaitanga o ngā kawa me ngā tikanga e te pūnaha tiaki taiao, me ngā whakataunga o roto.</p> <p>B. Kia whakaūngia te whakaahuatanga o ngā kawa, ngā tikanga me te mātauranga e ngā ritenga me ngā mātāpono matua i raro i ngā ture, ngā kaupapa here me ngā rautaki.</p> <p>C. Kia whakaūngia te whakatauranga a te tangata whenua o te hononga i waenga i te tangata whenua me ngā whenua tiaki taiao, ngā wai, ngā wāhi tapu, ngā rawa, ngā momo me ētahi atu taonga (tae atu ki ngā kawa, ngā tikanga me te mātauranga e pā ana ki taua hononga). Waihoki kia whakatinanatia, kia whakamanatia taua hononga e te pūnaha tiaki taiao.</p>

Tāhuhu	Tūtohunga	Tūtohunga matāmuri
<i>Whenua, wai, rawa, momo, ētahi atu taonga</i>	<p>4. Kia whakahoutia te tūnga ā-ture o ngā whenua tiaki taiao, ngā wai, ngā rawa, ngā momo taketake me ētahi atu taonga</p>	<p>A. Kia whakahoutia te tauira o te mana pupuri o ngā whenua tūmatanui o DOC, me ngā wai, kia whakaahuatia ai ngā hononga roroa o te tangata whenua ki aua wāhi, me ngā rawa me ngā taonga o roto.</p> <p>B. Kia arotakea ngā kōmakatanga katoa e pā ana ki ngā whenua tūmatanui o DOC me ngā wai kia whakamānawataia ai ngā hononga tangata whenua.</p> <p>C. Kia whakakorea te mana pupuri a te Karauna o ngā momo taketake.</p> <p>D. Kia whakatauria ngā tika me ngā pānga a te tangata whenua ki te wai māori me ngā wāhi taimoana.</p> <p>E. Kia whakaūngia kia whai wāhi ai te tangata, kia wātea ai ki te whakamahi hoki i ngā whenua, ngā wai, ngā momo me ngā rawa katoa e whakahaeretia ana i roto i te pūnaha tiaki taiao, tae atu ki te horopaki o ngā whakaaetanga me ngā tukunga.</p>
<i>Nōhanga kōtui Te Tiriti</i>	<p>5. Kia hangaia anō te whakahaerenga o te tiakanga taiao hei whakaahua i te nōhanga kōtui Te Tiriti ki ngā taumata katoa.</p>	<p>A. Kia arotakea, kia whakahoutia ngā hinonga whakahaerenga tiakanga taiao, pēnei me Te Pou Atawhai Taiao o Aotearoa, ngā poari tiaki taiao me ētahi atu hinonga ā-ture kia pai ai te whakaahuatanga o te nōhanga kōtui Te Tiriti.</p> <p>B. Kia whakamanatia ngā tauira e tika ana mō ngā hononga mana-ki-te-mana, te whakamaheretanga me te whakataunga kaupapa i te taumata ā-nuku e tika ana.</p> <p>C. Kia whakamānawatia, kia whakatinanatia hoki ngā herenga whakataunga Tiriti me ngā whakaritenga kua oti kē te whakarite, me te mōhio hoki ka kore e whakawhāititia e ēnei te whakatinanatanga whānui tonu o te nōhanga kōtui Te Tiriti.</p> <p>D. Kia oti ngā panonitanga ināia tonu nei hei whakaū i te urunga o te tangata whenua ki ngā whakataunga kaupapa e pā ana ki ā rātou pānga, tae atu ki te horopaki o ngā whakaaetanga me ngā tukunga.</p>
<i>Tino rangatiratanga</i>	<p>6. Kia whakaritea kia taea ai te tukunga o te mana, pēnei me te mana whakatau, tae atu ki te whakamānawatanga tūturu o te tūnga me te whakatinanatanga o te tino rangatiratanga.</p>	<p>A. Kia whakaritea kia whai wāhi ai te parenga, te whakawhitinga, te tukunga hoki o ngā mahi me ngā mana o roto i te pūnaha tiaki taiao ki te tangata whenua.</p>

Tāhuhu	Tūtohunga	Tūtohunga matāmuri
<i>Rawa</i>	<p>7. Kia whakawhānuitia te āheinga me te raukahatanga o roto o Te Papa Atawhai, o te tangata whenua hoki.</p>	<p>A. Kia tukuna he rauemi ki Te Papa Atawhai, ki te tangata whenua hoki hei whakapakari i te āheinga me te raukahatanga, kia mana ai ngā mātāpono o Te Tiriti, tae atu ki ēnei, engari kua ko ēnei noa iho:</p> <p>B. ko te nōhanga kōtui i roto i ngā mahi whakahouanga tūturu;</p> <p>C. ko te whakatinanatanga o te mana motuhake, me te whai wāhi ki ngā mahi whakatau kaupapa;</p> <p>D. ko te whakawhanaketanga o ngā tuhinga o ngā kaupapa here, ngā rautaki, me ngā mahere</p> <p>E. ko te mahinga o ngā mahi tiaki taiao ki te wāhi tika; ā,</p> <p>F. ko te tūhonohononga anō, ko te whakapakaritanga hoki o ngā hononga o te tangata whenua ki ngā whenua tiaki taiao, ngā wai, ngā rawa me ngā momo.</p>

Te Āpitihanga TUAWHĀ

Ngā karere matua mai i ngā huinga kōrerorero

I waenga i te Aperira me te Hurae 2021, ka whakahaeretia e te ODG ētahi huinga kōrerorero e aro pū ana ki te whakamātauranga o ngā tūtohunga hukihuki. He 20 o aua huinga i huihuia ai ko ngā whānau, ngā hapū me ngā iwi, he 13 ki ngā poari tiaki taiao, ā, me tētahi wānanga i te taha o ētahi rōpū kaiwhaipānga matua o te ao tiaki taiao. Waihoki he 14 ngā tuhinga whakautu i whakawhiwhia ki te ODG mai i aua rōpū i āta whāia rā. I hui hoki te ODG ki te NZCA hei whakamōhio i a rātou ki te kokenga o ngā arotake whāiti, hei hoatu hoki i ngā tūtohunga hukihuki.

Whakarāpopoto o ngā kōrero a ngā whānau, ngā hapū me ngā iti

Hātepe:

- Hui katoa, e kaikā ana ngā whānau, ngā hapū me ngā iwi ki te tautoko kia eke ai ngā mahi nei, hei huinga mahi kotahi, ki te taumata.
- I kaingākau te hunga i tae mai i Tauranga, Murihiku me Tūranga ki te whakahoki kōrero mai, ki te homai kōrero hoki/rānei mō te wāhanga tuhituhi taipitopito hangarau.
- I pīrangi a Tūwharetoa ki te mahi tahi ki te Karauna tonu. Ka whakatakotoria e te kawa i waenga i a Ngāti Tūrangitukua me te Karauna i ngā hiahia mārama rawa o te āhua o te kōrerorero e hiahiatia ana e Ngāti Tūrangitukua, ā, kāore tēnei e whai wāhi ki ngā tūtohunga o te ODG.
- I pīrangi te hunga o Rotorua kia hoki anō a DOC ā muri atu i te hātepe tāpaetanga kōrero tūmatanui kia mōhio ai rātou i rangona ō rātou whakaaro, ā, i whakaahuatia tikatia ngā tūtohunga. E hiahia ana te tangata whenua ki te noho mai hei reo kōrero whakamutunga o te hātepe.
- I arongia e te hunga o Whakatāne te tūmanako kia nui atu ai te wāhi ki ngā whakaaetanga whakataunga Tiriti i roto i te hātepe nei.
- Hei tā te hunga nō Rēkohu ka rorotu te ngākau i ngā tūtohunga i whakatakotoria engari e pōrearea ana i te hātepe, me te whakaūnga kia whai wāhi ai ngā uara rerekē me ngā tikane/tikanga o runga o te Rēkohu.
- Ka marohitia e te hunga nō Pārāwai tētahi arotakenga tūhāhā o DOC kia mārama ai te āhua o ngā mahi, o ngā pūtea hoki i te wā nei.

Tūtohunga:

- Hui katoa, e tautoko ana ngā whānau, ngā hapū me ngā iwi o ngā tūtohunga, me te hiahia anō ki te hāpai/whakapakari i te wāhanga 4.

- E rikarika ana te ngākau o te hunga o Taranaki ki te kite i te āhua o ngā whakaaro ki aua tūtohunga, he whakaatu nōna i ngā whakaaro kua roa nei ngā iwi e whakapuaki ana ki a DOC.
- I arongia e tētahi hunga nō Ōtākou he tino whai take ngā hanganga whakahaerenga o te wā nei - hei tauria, he pai rawa ngā poari tiaki taiao kia mau tonu ai ngā honohononga ki te hapori.
- I whakamārama te hunga nō te Manawatū i te hiahia kia whakaaturia ngā hononga kaha i waenga i ēnei tūtohunga me ngā āheinga kia whai wāhi te marea nui tonu ki te tiaki, ki te whakarekareka hoki i ngā whenua tiaki taiao, i ngā wai hoki.
- I akiaki te hunga o Kerikeri i te ODG ki te aro ki te reo e takoto mai ana, ā, me whakapuaki i “Te Tiriti” anake, me kaua e māwhitiwhiti i “Te Tiriti” ki “the Treaty”. Me panoni hoki ngā whakaturetanga kia kīa ai “me whakaae te Karauna ki “te Tiriti” kaua ko te “me mana ko ngā mātāpono o te Tiriti”.

Whakarāpopoto o ngā kōrero a ngā poari tiaki taiao

Hātepe:

- Hui katoa, e tukaru ana ngā poari tiaki taiao i te poto o te wā mō ngā huinga kōrerorero, a, e whakaaro ana kāore i rahi te wā kia pai ai te tino kōrerorero, ā, kia hoatu kōrero ai rātou. Me āta tuku hoki i ētahi atu mahi ki ngā poari e piko kē nei te tuarā.
- I tūtohu te Poari Tiaki Taiao o Tāmaki Makaurau me te Waiariki i te whakamātauranga, i te homaitanga hoki/rānei o ētahi tauria o ēnei tūtohunga e whakamahia ana.
- I whakaae te Poari Tiaki Taiao o Tāmaki Makaurau me te Tai o Poutini he rerekē pea ngā whakaaro o ngā tāngata (tae atu ki te ao tiaki taiao) e pā ana ki te kaupapa nei, ā, me eke mai taua hunga ki runga ki te waka nei.

Tūtohunga:

- Hui katoa, e tautoko ana ngā poari tiaki taiao i ngā tūtohunga, me te hiahia anō kia mārama te taukī e pā ana ki tēnei mea, te tiakanga taiao hei tautoko i ā rātou mahi. I kaingākau hoki rātou ki te āhua o ngā panonitanga o te hanganga o ngā poari tiaki taiao e puta mai ana i ngā tūtohunga nei.
- I marohi te Poari Tiaki Taiao o Te Whanga-nui-a-Tara kia whakaurua te huringa āhuarangi ki te mahi nei, e āwhinatia ai te taha ki te putea ā muri nei.
- I arongia e te Poari Tiaki Taiao o te Tairāwhiti, o te Matau a Māui hoki he āheinga tēnei ki te whakaū i te reo o te iwi Māori ki roto ki te ao tiaki taiao. Ka kaha ngā nōhanga kōtui Tiriti ki te tipu tahi, ki te whakapiki hoki i te pai, me ngā takohanga.
- I arongia e te Poari Tiaki Taiao o Tāmaki Makaurau kāore ngā tūao e rite ki te kōrerorero tahi me te Māori i ngā wā katoa.

- I marohitia e te Poari Tiaki Taiao o Taranaki-Whanganui me whai te tuhinga hangarautanga o ngā Kaupapa Here Arowhānui ki te akiaki i te parenga, i te tukunga hoki o te mana i ngā wahanga e taea ana i roto i te pūnaha ture o nāianei.

Whakarāpopoto o ngā kōrero a ngā rōpū whaipānga ki te tiakanga taiao

- Hui katoa, e ngākaupai ana ngā kaiwhaipānga ki te tiakanga taiao i ngā tūtohunga, e pōrearea ana i te poto o ngā wā i whakaritea, ā, e kaingākau ana i te āhua o te hononga/hāngaitanga o te mahi nei ki ētahi atu mahinga a DOC, inā hoki ko te whakahouanga o te pūnaha tiaki taiao (me te pūrongo hōkaitanga a te Environmental Defence Society (**EDS**)).
- Tērā ētahi āwangawanga mō te pānga o ēnei tūtohunga ki ngā pakihi/kaimahi whaimana me te hunga torotoro / rēhia. Te taha ki te whakahouanga o te taura mana pupuri, e māharahara ana ngā kaimahi kei whakakorea ā rātou mahi, me te hiahia hoki ki te tiaki i te mana o ngā tukunga whakaaetanga, haere ake nei. Ka miramira a Fish and Game i te whakahirahira o te whai wāhi a te marea, ā, me te huanga ake o te aroha ki te taiao i te nōhanga ki roto i te taiao.
- Tērā te ngākaupai ki te whakahoanga o te pūnaha tiaki taiao, me te aro anō ki ētahi pūtake o taua whakahouanga, penei me te pūrongo tāpoi a Te Kaitiaki Taiao a te Whare Pāremata, me te rautaki rerenga rauropi.
- I marohitia e Tourism Industry Aotearoa (**TIA**) me arotahi te tautuhitanga o te tiakanga taiao ki ngā putanga, tae atu ki ngā āhuatanga me ngā uara e rite ana ki ō ngā nōhanga kōtui Tiriti.
- I whakahētia e Federated Mountain Clubs (**FMC**) te hātepe me te ahunga, me te hiahia anō kia tūmatanui te hātepe, ā, ka arongia hoki te taumaha rukiruki o te mahi a te ODG. I whakapuakina hoki te hiahia kia whakamānawatia ngā rōpū tiaki taiao me ā rātou mahi.

Ngā karere matua torowhānui

- Ko te urupare whānui ki ngā tūtohunga hukihuki ko te ngākaupai o te tangata whenua me ngā poari tiaki taiao hoki. He tokomaha i mihi ki te ODG mō āna mahi, i mihi hoki ki te mātātoa o tāna whakakitenga. Ka arongia e etahi e ngākaupai ana te ao tōrangapū ki te mahi nei, ā, ko nāianei te wā kia mahia (me te hui i Ōtākou hoki).
- Me kōkiri ngā tūtohunga hei kete kotahi, he hanga ngātahi nōna i tētahi pūnaha e mana ai te nōhanga kōtui Tiriti, ka kore pea e rahi te whakatikatanga o tētahi wāhanga kotahi nei kia mana ai Te Tiriti (hui i Te Matau a Māui).
- Tērā te hiahia kia whakaahuatia ngā take o te wā, pēnei me te huringa āhuarangi me ngā putanga rerenga rauropi, i roto i ēnei tūtohutanga, nā te mea e taea ana e tātou ēnei te rongoa tahi (hui i Tauranga).
- Tērā te pōraruraru i te āhua o tā DOC kawē i ōna herenga Tiriti. E kaingākau ana ētahi ki te whai i ētahi o ngā tūtohunga i nāianei (pēnei me te hui i Te Wairoa me te Poari Tiaki Taiao o Te Hiku), me te āheinga hoki o ētahi panonitanga i nāia tonu nei o te whakatinanatanga me te kaupapa here hoki.

- Tērā te āwangawanga i te āhua o te whakaaro o te marea ki ngā tūtohutanga nei. I arongia rā me eke mai rātou ki runga i te waka, kia hāneanea te noho, me te tukutuku i te mātauranga hoki.
- He take nunui te whakatinanatanga; tērā te hiahia kia whai wāhi ai ki te hātepe whakatinanatanga, me te whakaū hoki kia rarata te huarahi whakatinanatanga (whakaaro o te Poari Tiaki Taiao o Tāmaki Makaurau) ki ngā āhuatanga, ki ngā wāhi hoki huri noa i te motu.

Te hātepe mō ngā arotake whāiti:

- I koa te hunga i tae mai i te āheinga ki te whai wāhi ki te hātepe nei.
- Ko tētahi wāhanga o te hātepe nei ko te panonitanga o te ahurea o DOC. Ka āwangawanga i te āhua o ngā whakaaro o DOC me ngā kaiwhakataū kaupapa ki ngā tūtohunga. He wāhi tō DOC ki te whakamārama me pēhea te āhua o te hononga Tiriti ā muri nei.
- Tērā te āwangawanga mō te popoto o te wā i whakaritea. Me whai wā hoki kia pai ai ngā kōrero akoako, ā, me pai aua wā mō te Māori me te Karauna.
- Ka kaingākau hoki ki te whakaū i te hononga, i te hāngaitanga o te hātepe ki ētahi atu o ā DOC mahi (tae atu ki ngā whakataunga Tiriti o mua, me ngā mea e whiriwhiria ana i nāianei), ki ētahi hōtaka whakahouanga a te whānuitanga o te kāwanatanga (hei tauira te Whakahouanga Whakahaerenga Rawa, te Huringa Āhuarangi, te Whakahouanga o te Wai Māori me ngā Wai e Toru).
- Kāore i whakaarohia te hātepe ODG e ētahi hapū, ētahi iwi hei hātepe whakaahua i te nōhanga kōtui Tiriti, ā, he pai kē atu te mahi tahi ki a DOC pū i ngā arotake whāiti o ngā Kaupapa Here Arowhānui²¹⁷ Tērā te whakaaro e hiahia ai ngā whānau, ngā hapū me ngā iwi ki te whai wāhi ki ngā paenga katoa o te hātepe o ngā arotake whāiti. Waihoki he mea nui te whakaūnga o tētahi nōhanga kōtui Tiriti i te roanga ake o te hātepe kōrerorero akoako.
- Tērā ētahi marohitanga kia mahia tētahi hātepe arotake, hātepe aroturuki mo ngā Kaupapa Here Arowhānui e rua - arā te whakarite i tētahi hātepe hei whakaū i te āheinga o ngā Kaupapa Here Arowhānui ki te urutau haere ā muri nei (whakaaro o te Poari Tiaki Taiao o Tāmaki Makaurau).

Whakahouanga tūturu

- Me mau tonu, me whakapai rānei te rārangi nei o Te Tiriti, te wāhanga 4 o te Conservation Act, i roto i tētahi hātepe whakahou ture. Ka kaha ētahi atu rārangi o roto i te whakaturetanga tiakanga taiao ki te tautoko i tōna whaitaketanga.

217 Ka ātete a Ngāpuhi i ngā tūtohunga hukihuki a te ODG, ā, ka mārama kehokeho te whakautu, arā “Karekau he mea e kīia nei ko te nōhanga kōtui Tiriti”. Ka kīia ki te ODG ehara kau a Ngāpuhi i te “nōhanga kōtui Tiriti” me te Karauna, ā, kāore rātou i te wawata ake kia pērā.

- Me whitake te whakaturetanga; ka whai wāhi pea ki te whakahouanga o te whakaturetanga tiakanga taiao i te whakatikatanga, te whakakotahitanga rānei o ngā Ture o te wā nei. Ko tētahi whakaaro i whakaaranga e Ngāti Kuia ko tētahi Ture e takea ana i ngā whenua me ngā moana, me tētahi e takea ana i te tiakanga kararehe, te tiakanga momo.

Te pūtake o te tiakanga taiao

- Ka hiahiatia e tēnei hanga ko tētahi ahunga taiao e whakaahua ana i ngā whakaaro o te mana whenua (hui i Whanganui), te mauri me te aroha, e whakamānawatia ai te mana Māori motuhake o te rerenga rauropi taketake, ā, e āhei ai te whakamahinga o ngā rawa e ora tonu atu ai te mauri. Ka tautoko tēnei i te tūhonohononga, ka tika, o te oranga taiao me te oranga tangata (tae atu ki te oranga ahurea, te oranga wairua, te oranga ōhanga me te oranga whānau).
- I pīrangī ētahi hunga ki tētahi taukī mārama mo te āhua o te tiakanga taiao hei arataki i ngā mahi (poari tiaki taiao), ā, i pātai ētahi mēnā rānei ko te tiakanga taiao te kupu tika hei whakamahi (hui i Rāpaki).
- Ko tētahi kōrero i whiwhi ai ngā kaiwhaipānga o te tiakanga taiao ko te wāhi ki ngā mahi rēhia, he kore nōnā i āta huaina i roto i ngā tūtohunga. I kōrerorerohia te wāhi ki ngā haporī, ngā pakihī whai raihana/kaimahi me ngā kaitoro.
- I whakapuakina e ētahi tāngata i puta ko te whakaaro he mea nui ki a rātou ko te uara o roto i te whakamārama o te wā nei.

Tikanga:

- Me akiaki, me whakamānawa hoki e ngā tūtohunga te whakaaro nei, arā he tikanga kē ā tērā marae, ā tērā hapū, ā tērā iwi. E eke ai tēnei, me whānui, me ngāwari hoki ngā tikanga me ngā kupu whāiti, nā te mea e taea ana e te tangata whenua anake āna tikanga te whakatau, te whakamārama hoki ki tōna rohe. Ko tētahi tūtohunga ko te hanganga o ētahi rōpu mahi hei whakawhanake i ēnei ritenga.
- Ka whakaaranga te whakatūpatotanga mō te tukitukinga o ngā tikanga, me te pitomata ka takahia ngā tikanga. Tērā te matakū kei kāhākina ngā pūnaha mātauranga, ā, ka ngana kia kūtia iho iho te mātauranga kia ō ai ki roto ki tō te Pākehā whakaaro ki ngā whakataunga e takea ana i te pūtaiao (me te hui i Tūranga). I kōrero hoki ētahi hunga i tae mai mō te mana whakairo hinengaro me te mana raraunga (hui i Kerikeri).
- I arongia hoki kua ngarongaro he mātauranga huri noa i te motu. Ka hiahiatia tētahi hōtaka mātauranga, te whanaketanga o te raukaha mā roto i ngā rangahau whāiti, te whanaketanga Tohunga, me te akoranga anō o ngā mātanga.

Ngā whenua, ngā wai, ngā rawa, ngā momo me ētahi atu taonga:

- He mea whakahirahira, he mea nui tētahi pūnaha whakaaetanga ā-ahurea, pūnaha kohikohi; kia māmā tonu te hātepe o muri nui (hui i Te Tau Ihu). Ko te kohikohinga ā-ahurea he mahi e ora tonu ai te mauri, ā, he painga ōna pēnei me te kohikohinga pārongo, te kohikohinga raraunga mō ngā momo.
- Me whakapuaki ngā tūtohunga i ngā painga me ngā pānga o ngā tukunga ihoā-ōhanga (hui i Whakatāne).
- Me whai wāhi hoki ngā pānga ngāwhā - hei tauira, tāpiritia ki tēnei ko te rārangi o ngā wai mō ngā tika me ngā pānga (whakaaro o te hui i Rotorua).
- Whakaarohia ngā pānga o ngā nōhanga kōtui tūmatanui/tūmataiti, tae atu ki te mana pupuri o ngā momo taketake i runga whenua tūmataiti.
- He huhua ngā whakaaro atamai, ngā whakaaro whakahihiko mō ngā āhuetanga e eke ai ngā panonitanga - hei tauira, me pēhea te manaaki i ngā momo i ngā wāhi whakahirahira kia rite ai ki te mana tangata ā-ture o ngā horonukuhanga; me te pitomata kia whakamahia ngā whenua tiaki taiao, inā hoki ko ngā whenua he iti rānei, he kore noa rānei te rerenga rauropi o runga, mō ētahi atu mahihei tauira mō ngā manene āhuarangi, mō ngā iwi rānei hei whenua papakāinga (hui i Rotorua).
- Me arotake te pūnaha tukunga raihana me te pūnaha whakaaetanga.
Inā koa ko ēnei:
 - me hoki ngā moni ki te rohe (hui a te Poari Tiaki Taiao o Te Whanga-nui-a-Tara);
 - me whai wāhi ki ngā tono ko te āhua o tā te tono hei whakawhānui i te pai ki te hauora, me te āhua o te mahi tahi ki ngā iwi (hui i Whakatāne), ā,
 - me whakaaro anō ngā rōpū whaimana mō tukutuku whakaaetanga - hei tauira, ko Fish and Game te kaituku raihana aruaru kararehe.
- Whakaurua he tūtohunga e hāngai pū ana ki ngā paka ā-motu.

Te nōhanga kōtui Tiriti:

- I kaingākau ētahi ki te āhua o te pā a ngā tūtohunga hukihuki i te mahi me te hanganga o ngā poari tiaki taiao, me Fish and Game hoki.
- I kōrerorerohia ngā hanganga me ngā tauira whakahaere o muri nei, me te hāngai hoki o ngā whakaaro ki te ngākau tapatahi, te pupuri i ngā hononga ki te hapori, kei a wai te pōti whakatau, te hanganga o te whakakanohitanga (hei tauira 50/50, ka takea rānei i ngā rohenga ā-iwi), me ngā whakatau mai i raro ki runga.

- Ko tētahi tāhuhu ko te hoahoanga tahitanga, te whanaketanga tahitanga me te tukunga tahitanga me te tangata whenua i ngā rautaki me ngā mahere mai anō i te tīmatanga o tētahi hātepe (kōrero a Ngāti Rangiwewehi). I kōrerohia hoki te whakaurunga o ngā mahere whakahaere a ngā iwi, i whakapuakina hoki te pōrearea i te korenga o te Karauna e whakamānawa i ērā i waho o te pūnaha manaaki rawa.
- Ko te whakahirahira o ngā hononga i roto i tētahi rohe (hui i Te Tau Ihu) me whakaū anō kia kua tētahi rōpu Māori ā-motu whaimana e pōhēhētia he reo mō te iwi Māori whānui. He nunui rawa ngā hononga mana-ki-te-ana e eke ai tētahi nōhanga kōtui (hui i Rēkohu).

Tino rangatiratanga:

- Me whai mana tūturu te rōpū nei, kāore he rārangi paearu, kāore he āheinga kia whakakorea i runga i te hiahia kau (Ngāti Kua). Me kua e noho hei tukunga rauemi, hei mana iti ki te whakatau kaupapa. Whakaarohia te tairitenga o te parenga ā-rohe, ā-motu rānei ki te whakawhitinga o te mana whakatau.
- Ko te hiahia kia noho te Māori hei pūnaha tiaki taiao mōna anō (hei tauira te whakahaere i āna ake mahi hopu kirehe). Tērā ētahi rawa, ētahi tauira e tū tonu ana e pai ai te whakamahi, hei tauira ngā whakaaetanga ā-ture i roto i ngā Whakaaetanga Whakataunga me ngā tauira Kaitiaki (hui i Te Matau a Māui).
- Tērā te hiahia kia whakamānawatia, kia hāpaitia hoki hei kaupapa nui ko ngā take Māori, ā, kia riro mā te Māori, mō te Māori nga whakatau e pā ana ki te Māori.

Ngā rauemi:

- Hui katoa ngā āhuatanga, ka pīrangitia kia eke ki taumata kē ngā tūtohunga e pā ana ki ngā rauemi.
Whakaarohia ētahi atu momo rauemi (hei tauira te wā, ngā taputapu, ngā pūnaha me ngā tāngata) me ētahi atu mahi hei whakawhānui i ngā rauemi (hei tauira te mahi tahi ki te kāwanatanga ā-rohe i etahi hōtaka pūtea tiaki taiao e taea ana (pēnei me ngā rēti whāiti), te tohatohanga o te GDP, te moni tukunga whakaaetanga, me tētahi hōtaka pūtea).
- Tērā tētahi kōrero mai i te Poari Tiaki Taiao o Tāmaki Makaurau mō te āhuatanga o tā ēnei tūtohunga whakarerekē, whakaaweawe rānei i ngā haumitanga whakaumu (hei tauira ngā hinonga Mahi mō te Taiao).
- Mā ngā iwi e whakatau ngā hiahia o te tangata whenua ki te tautoko ā-raukahatanga, tae atu ki ngā KPI me ngā wātaka. Me noho aua hātepe me aua tahua ki waho o DOC. Me whai a DOC kia tukuna moatatia/ināiane ngā rauemi ki te tangata whenua. I toko ētahi pātai mō te āhua o te parenga tauritenga o te tukunga rauemi ki ngā hapū me ngā iwi; me te wāwāhi hoki i waenga i ngā nōhanga kōtui Tiriti.

- Me noho papa a DOC mō te whakaū i te whaihua o ngā mahi whakangungu. Ko ētahi o ngā whakaaro (mai i te hui i Parāwai) ko ngā akoranga ā-pia whāiti tonu, te tautoko o ngā tūao (he kore nō rātou e rite ki te kōrero pai ki te Māori i ngā wa katoa), ngā hinonga mahi tahi, me te noho kōtui me te mana whenua hei whāngai kōrero ki ngā mahi pakihī ā-tau ki ngā rohe.

Ngā tohutoro

Whakawākanga kōti

Attorney-General v New Zealand Māori Council (No 2) [1991] 2 NZLR 147 (CA).

Grace v Minister of Land Information [2014] NZRMA 454, [2014] NZEnvC 82 (Env C).

Huakina Development Trust v Waikato Valley Authority [1987] 2 NZLR 188 (HC).

Klink v Environmental Protection Authority [2019] NZHC 3161 (HC).

New Zealand Māori Council v Attorney-General [1987] 1 NZLR 641 (CA).

New Zealand Māori Council v Attorney-General [1994] 1 NZLR 513 (PC).

New Zealand Māori Council v Attorney-General [2013] NZSC 6 (SC).

Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation [2018] NZSC 122, [2019] 1 NZLR 368 (SC).

Ngāi Tahu Māori Trust Board v Director-General of Conservation [1995] 3 NZLR 533 (CA).

Ngāti Whātua Ōrakei Trust v Attorney-General [2018] NZSC 84, [2019] 1 NZLR 116 (SC).

Proprietors of Wakatū v Attorney-General [2017] NZSC 17, [2017] 1 NZLR 423 (SC).

Shark Experience Limited v PauaMac5 Incorporated [2019] NZSC 111, [2019] 1 NZLR 791 (SC).

Takamore v Clarke [2012] NZSC 116, [2013] 2 NZLR 733 (SC).

Te Ara Rangatū o te Iwi o Ngāti Te Ata Waiohua Inc v Attorney-General [2018] NZHC 2886, [2019] NZAR 12 (HC).

Te Rūnanga o Muriwhenua Inc v Attorney-General [1990] 2 NZLR 641 at 656 (CA).

Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board [2021] NZSC 127 (SC).

Tukaki v Commonwealth of Australia [2018] NZCA 324, [2018] NZAR 1597 (CA).

Ngā Ture

Conservation Act 1987

Marine Mammals Protection Act 1978

Marine Reserves Act 1971

National Parks Act 1980

Reserves Act 1977

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

Te Urewera Act 2014

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

Wildlife Act 1953

Wild Animal Control Act 1977

Also: Canterbury Provincial Buildings Vesting Act 1928; Game Animal Council Act 2013; Harbour Boards Dry Land Endowment Revesting Act 1991; Kapiti Island Public Reserve Act 1897; Lake Wanaka Preservation Act 1973; Mount Egmont Vesting Act 1978; Native Plants Protection Act 1934; Ngāi Tahu (Tūtaepatu Lagoon Vesting) Act 1998; Queen Elizabeth the Second National Trust Act 1977; Queenstown Reserves Vesting and Empowering Act 1971; Stewart Island Reserves Empowering Act 1976; Sugar Loaf Islands Marine Protected Area Act 1991; Trade in Endangered Species Act 1989; Tutae-Ka-Wetoweto Forest Act 2001; Waitangi Endowment Act 1932–33; Waitangi National Trust Board Act 1932; Waitutu Block Settlement Act 1997; West Coast Wind-blown Timber (Conservation Lands) Act 2014.

Ngā pūrongo a Te Rōpū Whakamana i te Tiriti o Waitangi

Waitangi Tribunal, Ahu Moana: The Aquaculture and Marine Farming Report (Wai 953, 2002).

Waitangi Tribunal, Hauora Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry (Wai 2575, 2019).

Waitangi Tribunal, He Maunga Rongo: Report on Central North Island Claims, Stage One (Wai 1200, 2008) Volume 3.

Waitangi Tribunal, He Pāharakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry (Wai 2915, 2021).

Waitangi Tribunal, He Whakaputanga me te Tiriti, The Declaration and the Treaty: Report on Stage 1 of the Te Paparahi o Te Raki Inquiry (Wai 1040, 2014).

Waitangi Tribunal, He Whiritauonoka: The Whanganui Land Report (Wai 903, 2015).

Waitangi Tribunal, Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity (Wai 262, 2011).

Waitangi Tribunal, Manukau Report (Wai 8, 1985).

Waitangi Tribunal, Ngāi Tahu Sea Fisheries (Wai 27, 1992).

Waitangi Tribunal, Ngawha Geothermal Resource Report (Wai 304, 1993).

Waitangi Tribunal, Report of the Waitangi Tribunal on Claims concerning the Allocation of Radio Frequencies (Wai 26, Wai 150, 1990).

Waitangi Tribunal, Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim (Wai 22, 1988).

Waitangi Tribunal, Report on the Management of the Petroleum Resource (Wai 796, 2011).

Waitangi Tribunal, Stage 2 Report on the National Freshwater and Geothermal Resources Claims (Wai 2358, 2019).

Waitangi Tribunal, Te Ika Whenua Rivers Report (Wai 212, 1993)

Waitangi Tribunal, Te Kāhui Maunga: The National Park District Inquiry Report (Wai 1130, 2013).

Waitangi Tribunal, Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims (Wai 898, 2018).

Waitangi Tribunal, Te Urewera Report (Wai 894, 2017).

Waitangi Tribunal, Te Whānau o Waipareira Report (Wai 414, 1998).

Waitangi Tribunal, The Petroleum Report (Wai 796, 2003).

Waitangi Tribunal, The Radio Spectrum Management and Development Final Report (Wai 776, 1999).

Waitangi Tribunal, The Whakatōhea Mandate Inquiry Report (Wai 2662, 2018).

Waitangi Tribunal, Tū Mai te Rangi: Report on Crown and Disproportionate Reoffending Rates (Wai 2540, 2017).

Ngā pukapuka me ngā ūpoko i roto pukapuka

Matthew SR Palmer, *The Treaty of Waitangi in New Zealand's Law and Constitution* (Victoria University Press, Wellington, 2008).

Ani Mikaere, "The Treaty of Waitangi and Recognition of Tikanga Māori". In Michael Belgrave, Merata Kawharu and David Williams (eds), *Waitangi Revisited: Perspectives on the Treaty of Waitangi* (2nd ed, Oxford University Press, Auckland, 2005) at 330.

Tuhinga hautaka

Fikret Berkes "Community conserved areas: Policy issues in historic and contemporary contexts" (2008) *Conservation Letters* 2(1) at 20.

Sir Robin Cooke, "Introduction" (1990) 14 *NZULR* 1.

Lara Domínguez and Colin Luoma, "Decolonising Conservation Policy: How Colonial Land and Conservation Ideologies Persist and Perpetuate Indigenous Injustices at the Expense of the Environment" (2020) *Land* 9(3) at 65.

Veronika Meduna, "How to fix the Raukūmara" (*New Zealand Geographic*, January–February 2021).

Jacinta Ruru, Phil O'B Lyver, Nigel Scott and Deborah Edmunds, "Reversing the Decline in New Zealand's Biodiversity: Empowering Māori within reformed conservation law" (2017) *Policy Quarterly* 13(2) at 65.

Phil O'B Lyver, Jacinta Ruru, Nigel Scott, Jason M Tylanakis, Jason Arnold, Sanna K Malinen, Corinne Y Bataille, Mark R Herse, Christopher J Jones, Andrew M Gormley, Duane A Peltzer, Yvonne Taura, Puke Timoti, Clive Stone, Mahuru Wilcox and Henrik Noller, "Building biocultural approaches into Aotearoa – New Zealand's conservation future" (2019) *Journal of the Royal Society of New Zealand* 49(3) at 394.

Justice Joseph Williams, “Lex Aotearoa: An Heroic Attempt to Map the Māori Dimension in Modern New Zealand Law” (2013) Waikato Law Review 21 at 1.

Ngā tuhinga a te pāremata me te kāwanatanga

2014 Statement of Treaty principles (Department of Conservation, 2014).

Giving better effect to the principles of the Treaty of Waitangi Partial reviews of the Conservation General Policy and the General Policy for National Parks: A background paper about the process and main issues (Department of Conservation, June 2020).

Guidelines for engagement with Māori (Te Arawhiti, October 2018).

He Tirotinga o Kawa ki te Tiriti o Waitangi: A Guide to the Principles of the Treaty of Waitangi as expressed by the Courts and the Waitangi Tribunal (Te Puni Kōkiri, 2001).

New Zealand’s Environmental Reporting Series: Environment Aotearoa 2019 (Ministry for the Environment and Stats NZ, April 2019).

New Zealand’s Environmental Reporting Series: Our land 2018 (Ministry for the Environment and Stats NZ, April 2018).

Ngā Akiakitanga Nuku Kaupapa Māori ā Te Papa Atawhai (Kaupapa Māori Strategic Policy Initiatives) (Department of Conservation, February 2001).

Te Kāhui Whakatau (Treaty Settlements) 12 Month Progress Report, 1 July 2020 – 30 June 2021 (Te Arawhiti, 2021)

Te Mana o te Taiao – The Aotearoa New Zealand Biodiversity Strategy 2020 (Department of Conservation, August 2020).

Te Tiriti o Waitangi / Treaty of Waitangi Guidance (Cabinet Office Circular, CO 19/5, 22 October 2019).

Ngā Tiriti me ngā Whakaaetanga ā-Ao

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2014).

United Nations Convention on Biological Diversity (1992).

United Nations Declaration on the Rights of Indigenous Peoples (GA Res 61/295, 2007).

Ētahi atu pūrongo, ētahi atu tuhinga

ES Brondizio, J Settele, S Díaz, and HT Ngo (eds), Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (Intergovernmental Platform on Biodiversity and Ecosystem Services, 2019).

Conserving Nature: Conservation Reform Issues Paper (Environmental Defence Society, August 2021).

He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand (1 November 2019).

Te Anga Pūtakerongo, Record of Understanding between the Crown and Ngā Iwi o Taranaki, dated 20 December 2017.

Tuhinga Roa Whare Wānanga

Ned Fletcher, A Praiseworthy Device for Amusing and Pacifying Savages? What the Framers Meant by the English Text of the Treaty of Waitangi (PhD thesis, University of Auckland, 2014).

Jacinta Ruru, Settling Indigenous Place: Reconciling Legal Fictions in Governing Canada and Aotearoa New Zealand's National Parks (PhD thesis, Victoria University of Wellington, 2012).