



23 December 2020

Tēnā koe,

Re: Official Information Act (OIA) Request – Hawaiian ‘ahu ‘ula and mahiole.

I am writing in response to your email dated 25 November 2020 and in which you requested the following information:

My request for information relates to the specific items gifted (as detailed below) and to the Board's statutory authority, policies and procedures relating to decisions to gift items from Te Papa's collections.

A. Captain Cook Hawaiian ‘ahu ‘ula (feather cloak) and mahiole (feather helmet).

1 When was the decision made to gift these priceless taonga in the care of Te Papa to the Bishop Museum in Honolulu? I understand that initially they were on loan. Was it originally part of the agreement with the Bishop Museum to consider converting their status to gifts?

2 Whose decision was it to gift the items to the Bishop Museum and under what legal authority? When was the decision made and on what basis? I am assuming that this was a decision of the Board of Te Papa and that the Board received advice from the Chief Executive. Please send me copies of the Board minutes relating to the decision, and any assessment, advice and proposal papers to the Board which relate to the permanent transfer of these items to the Bishop Museum. Included here are any assessments made by Te Papa staff of the appropriateness of gifting these items permanently to an overseas museum, including internal papers to the Chief Executive and Executive Team.

3 What, if any, public notice or public consultation was there in relation to the permanent removal of the feathered cloak and helmet from Te Papa? If so, what was the feedback or response? Has Te Papa communicated the gifting and transfer of these items to the Hawaiian museum in any NZ media releases? If so, please supply copies.

4 Did the Board or Chief Executive of Te Papa inform or consult with the Minister responsible for Te Papa at any stage prior to the decision to gift the cloak and helmet to the Bishop Museum in Honolulu? Please supply any relevant information. I would also like copies of any advice from Te Papa to any Ministers up to and including the present date relating to the gifting of these items to the Bishop Museum.

B. Statutory authority/legal powers of the Board of the Museum of New Zealand - Te Papa Tongarewa, and its policies and procedures.

1 From a lay-person's reading of the Museum of New Zealand Te Papa Tongarewa Act 1992, the gifting of assets to overseas museums is not consistent with the purpose or functions of Te Papa, given they are entirely focused on the preservation of, and giving access to the people of New Zealand to national taonga. I am not familiar with the accountability documents of the Board of Te Papa or the instructions it may have received from ministers over the years. Therefore I request written information on the current legal authority of the Board for the gifting of Te Papa assets held in its national collections to overseas museums. This includes information on any limits to that authority.

2 Please supply information on the Board's policies and requirements when considering proposals for assets in its care to be permanently transferred overseas. Who decides which assets are chosen for consideration and by what criteria? What is the formal assessment and decision-making process

regarding particular items? Also, by what mechanism does the Board of Te Papa balance its statutory responsibilities to preserve and maintain access for New Zealanders to national taonga with proposals to “repatriate” items to other countries?

3 Does the Board have a “repatriation” of assets strategy or plan for the future, and is it publicly available? How does the Board of Te Papa engage with New Zealanders?

We respond to each of your questions as follows:

1 When was the decision made to gift these priceless taonga in the care of Te Papa to the Bishop Museum in Honolulu? I understand that initially they were on loan. Was it originally part of the agreement with the Bishop Museum to consider converting their status to gifts?

In late 2013/ early 2014 Te Papa was visited by delegates from the Bishop Museum, and The Office of Hawaiian Affairs. Conversations begin about the possibility of a long term loan of the ‘ahu’ula and mahiole to Hawaii following was held with the Kaihautu and Acting CEO Dr Arapata Hakiwai. The Board meeting 178 (4 June 2015) notes that the CE and Kaihautu met with representatives from the Bishop Museum and Office of Hawaiian Affairs regarding the long term loan of these two significant treasures. The transaction was originally a long term loan arrangement in partnership with the Bishop Museum and the Office of Hawaiian Affairs. The attached file note records the agreement to the loan, with the intention to review a formal deaccession in ten years. After careful deliberation it was strongly felt that the treasures be deaccessioned and returned in all perpetuity back to the people of Hawaii.

On 14 February 2019 the Board provided their approval in principle for the preparation of a proposal to deaccession the ‘ahu’ula and mahiole and confirm their repatriation to the Bernice P. Bishop Museum in Hawaii (see **Appendix 1 (Board paper)** and **Appendix 2 (Board meeting minute)**).

Following the Board’s approval in principle, consultation occurred with key groups in Hawaii, and the descendants of Kalaniopu, (who was the ali’i nui or supreme monarch of the island of Hawaii), and the descendants of the original donor. The Ministry for Culture and Heritage (MCH) approved and supported the export of these taonga as per the Protected Objects Act 1975. The following is the text from the Kaihautū Report from September 2019:

Kalani’ōpu’u Cloak & Headdress

All the necessary requirements to formally deaccession the Kalani’ōpu’u, Hawaiian high chief on the island of Hawai’i) ‘ahu’ula (feathered cloak) and mahiole (feathered helmet) back to Hawaii have been satisfied. Te Papa’s application for permission to permanently export the Kalani’ōpu’u, ‘ahu’ula (feathered cloak) and mahiole (feathered helmet) currently on loan to the Bishop Museum has been approved by the Chief Executive of MCH. A formal letter from her to the Te Papa Board confirming this is forthcoming. NZ’s High Commissioner to the UK Sir Jerry Mateparae has also spoken with the descendants of the 2nd Lord St Oswald, the person who originally gifted these treasures to the then Dominion Museum in 1912. He was very relaxed and comfortable about this.

From 2013, Te Papa was visited by delegations from the Bishop Museum, and The Office of Hawaiian Affairs. Conversations begin about the possibility of a long term loan of the ‘ahu’ula to Hawaii following on from the successful 2010 reunification of the three last great Ku images from museums in the United Kingdom and the United States. In late 2015, the ‘ahu’ula is taken off display to be prepared for its journey to Hawaii. In 2016, the ‘ahu’ula and mahiole go on loan to the Bernice P. Bishop Museum in Hawaii. The ‘ahu’ula (feathered cloak) and mahiole (feathered helmet) were once owned by Kalani’ōpu’u, a high chief on the island of Hawai’i, when he greeted English explorer Captain James Cook on the beach at Kealakekua Bay in January 1779. According to observer Lieutenant King in his journal, the chief ‘got up & threw in a graceful manner over the Captains Shoulders the Cloak he himself wore, and put a feathered Cap upon his head, and a very handsome fly flap in his hand.’ Cook was later killed in Hawaii, but the cloaks travelled on to England. Once there the ‘ahu’ula was acquired by Sir Ashton Lever for his private museum in 1781, along with many other items from Captain Cook’s third voyage. The museum was acquired by James Parkinson in 1786. In 1806 the contents were auctioned and dispersed and the ‘ahu’ula was purchased by William Bullock who also had a private museum. In 1912, Winn’s grandson, 2nd Lord St Oswald, presented the collection together with Winn’s annotated copy of the 1819 sale catalogue to the Dominion of New Zealand, one of Te Papa’s antecedents.

The 2016 loan of the 'ahu'ula and mahiole was greeted with much celebration and reflection in Hawaii. There was international media coverage of the event. Commentating on the significance of the cultural treasures return, Pacific Studies and Hawaiian scholar Dr Emalani Case has written:

“For us, right now, these objects represent hope. They represent a past that lives and breathes in the present, a past that can and will continue to inspire. They represent our ali'i, and their skill and resilience. ... We can only imagine what they will come to mean in the future, what they will continue to teach us about ourselves, what they will continue to whisper and tell us when we are ready to listen, what they will continue to reveal about our pasts and our presents when we are prepared to follow.”

The Kaihautū is organising a zoom conference with the Bishop Museum and Office of Hawaiian Affairs to discuss the joint communication of this significant kaupapa and next steps.

This report was noted in the Board minutes which can be accessed here:

<https://www.tepapa.govt.nz/sites/default/files/board-meeting-222-20200904-minutes.pdf>

The Kaihautū report of October 2019 repeats the above information stating:

As noted at the last Board meeting, all the necessary requirements to formally deaccession the Kalani'ōpu'u, Hawaiian high chief on the island of Hawai'i, 'ahu'ula (feathered cloak) and mahiole (feathered helmet) back to Hawaii have been satisfied. Te Papa's application for permission to permanently export the Kalani'ōpu'u, 'ahu'ula and mahiole currently on loan to the Bishop Museum has been approved by the Chief Executive of MCH. A formal letter from the CEO to the Te Papa Board confirming this is forthcoming. NZ's High Commissioner to the UK Sir Jerry Mateparae has also spoken with the descendants of the 2nd Lord St Oswald, the person who originally gifted these treasures to the then Dominion Museum in 1912. He was very relaxed and comfortable about this.

A Zoom conference meeting with the Bishop Museum and the Office of Hawaiian Affairs was held in August to relay the board's decisions to formally deaccession these two treasures back to Hawaii and the Bishop Museum. The meeting was very emotional with their senior leadership expressing their deepest appreciation for Te Papa's decision. Emails sent after the zoom conference expressed the highest sentiments for what Te Papa is doing. At the conclusion of the Zoom conference it was mutually decided to draft a communication between our respective organisations. Te Papa will draft up the initial communication then pass it to the Bishop Museum and Office of Hawaiian Affairs for them to give feedback. It is highly likely that once this announcement is made that this will go viral throughout the world.

The Board noted this report. The minute can be accessed here:

<https://www.tepapa.govt.nz/sites/default/files/board-meeting-213-20191017-signed-redacted-minutes.pdf>

Also as **Appendices**:

- **Appendix 3** -Extracts of the Kaihautū reports to the Board and related minute in 2015
- **Appendix 4** - A file note providing background to the loan agreement (Appendix
- **Appendix 5** - the Deed of Transfer of the items signed by the Kaihautū and Chief Executive on 8 October 2020

2 Whose decision was it to gift the items to the Bishop Museum and under what legal authority? When was the decision made and on what basis? I am assuming that this was a decision of the Board of Te Papa and that the Board received advice from the Chief Executive. Please send me copies of the Board minutes relating to the decision, and any assessment, advice and proposal papers to the Board which relate to the permanent transfer of these items to the Bishop Museum. Included here are any assessments made by Te Papa staff of the appropriateness of gifting these items permanently to an overseas museum, including internal papers to the Chief Executive and Executive Team.

The decision to deaccession the taonga of Kalani'ōpu'u into the care of the Bishop Museum was made by the CEO and Kaihautū and the Board. The Board papers, minutes and attachments referred to above document the process and decisions

3 What, if any, public notice or public consultation was there in relation to the permanent removal of the feathered cloak and helmet from Te Papa? If so, what was the feedback or response? Has Te Papa communicated the gifting and transfer of these items to the Hawaiian museum in any NZ media releases? If so, please supply copies.

Consultation occurred with:

- The descendants of those who had originally gifted these articles The Bishop Museum
- The descendants of Kalani'ōpu'u
- The Office of Hawaiian Affairs
- Hawaiian academics closely associated with the taonga through knowledge and descent.

MCH approved and supported the export of these taonga as per the Protected Objects Act 1975.

Media releases related to this matter can be found on our website:

<https://www.tepapa.govt.nz/about/press-and-media/press-releases/2020-media-releases/feather-cloak-and-helmet-gifted-captain>

<https://www.tepapa.govt.nz/about/press-and-media/press-releases/2016-news-and-media-releases/te-papa-return-treasures-gifted>

4 Did the Board or Chief Executive of Te Papa inform or consult with the Minister responsible for Te Papa at any stage prior to the decision to gift the cloak and helmet to the Bishop Museum in Honolulu? Please supply any relevant information. I would also like copies of any advice from Te Papa to any Ministers up to and including the present date relating to the gifting of these items to the Bishop Museum.

Te Papa informed MCH as our monitoring department and in line with the requirements of the Protected Objects Act 1975. The attached emails between Te Papa and MCH indicate that MCH informed Ministers based on the February 2019 Board paper (**Appendix 6**).

B. Statutory authority/legal powers of the Board of the Museum of New Zealand - Te Papa Tongarewa, and its policies and procedures.

1 From a lay-person's reading of the Museum of New Zealand Te Papa Tongarewa Act 1992, the gifting of assets to overseas museums is not consistent with the purpose or functions of Te Papa, given they are entirely focused on the preservation of, and giving access to the people of New Zealand to national taonga. I am not familiar with the accountability documents of the Board of Te Papa or the instructions it may have received from ministers over the years. Therefore I request written information on the current legal authority of the Board for the gifting of Te Papa assets held in its national collections to overseas museums. This includes information on any limits to that authority.

Te Papa is an Autonomous Crown Entity. As such, the Board is responsible for the decision making in this case, noting that Autonomous Crown Entities must have regard to government policy when directed by the responsible Minister.

The Board of a statutory entity must ensure that the entity acts in a manner consistent with its objectives, functions, current statement of intent, and current statement of performance expectations.

The Board acted pursuant to the following functions in section 7(1) of the Museum of New Zealand Te Papa Tongarewa Act 1992:

(j) to co-operate with other institutions and organisations having objectives similar to those of the Board

Te Papa's *Statement of Intent* reflects the Board's intentions around repatriation and reconnection of communities and iwi with their taonga and treasures and to our practice of mana taonga.

You can access our Statement of Intent here:

<https://www.tepapa.govt.nz/sites/default/files/statement-of-performance-expectations-2020-21.pdf>

2 Please supply information on the Board's policies and requirements when considering proposals for assets in its care to be permanently transferred overseas. Who decides which assets are chosen for consideration and by what criteria? What is the formal assessment and decision-making process regarding particular items? Also, by what mechanism does the Board of Te Papa balance its statutory responsibilities to preserve and maintain access for New Zealanders to national taonga with proposals to "repatriate" items to other countries?

Te Papa has a Collection Policy that affirms our mana taonga principle/policy as well as including a deaccession section. The relevant section is referred to in the February 2019 paper to the Board (attached).

The Board have the authority to both loan and deaccession taonga and this has happened continuously over the last 30 years.

Our mana taonga policy, provides iwi and communities the right to define how their taonga and treasures should be used, cared for, managed and represented. It ensures that our communities are at the centre of our national museum and that they are reconnected with their treasures to ensure that Te Papa can speak with authority and be an exemplar of good museum practice. The Board meeting 207 (14 Feb 2019) notes the history of these treasures and their cultural significance.

The International Council of Museums noted Te Papa's mana taonga policy in the Year of Indigenous Peoples and said that museums should also recognise and affirm the relationships that exist with the collections in their care and their source communities. The 'ahu 'ula and mahiole returned to Hawai'i reflects Te Papa's commitment to mana taonga, the philosophy that taonga in our care having important living connections to their source communities.

Te Papa's mana taonga philosophy informs our work in a range of different ways. In a small number of cases, it sees the return of items. More often, it means our curators and experts take care to discover, preserve and recognise the ties between people and objects in other ways. It is central to Te Papa's approach, and in line with our mandate to be a forum where New Zealanders can understand and treasure the past, enrich the present, and meet the challenges of the future.

Please also see **Appendix 7 Collections Procedure: Deaccession and Disposal – External.**

3 Does the Board have a "repatriation" of assets strategy or plan for the future, and is it publicly available? How does the Board of Te Papa engage with New Zealanders?

The Board does not have a specific repatriation of assets plan. Deaccession is covered in the Collections policy which is currently being refreshed.

As noted, Te Papa's *Statement of Intent* reflects our intentions around repatriation and reconnection of communities and iwi with their taonga and treasures and to our practice of mana taonga.

Te Papa constantly engages with the public through a range of media. The Board is part of Te Papa.

If you are not satisfied with this response you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss any aspect of your request with us please contact OIA@tepapa.govt.nz.

Yours sincerely



Dr Arapata Hakiwai
Kaihautū