

# Rangitāne Tū Mai Rā Trust Proposed Policy Statement for Indigenous Biodiversity Submission

## Closing Date for Submissions: 21 July 2022

Ministry for the Environment, Wellington 6143

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## Origins of Rangitāne

### Rangitāne Tū Mai Rā Trust – Maunga to Moana Kaupapa

#### **Rangitāne ki runga**

*(that which aligns to the celestial knowledge – te kaha whakapono)*

#### **Rangitāne ki waho**

*(that which is yet to be discovered – te kaha hiahia)*

#### **Rangitāne ki roto**

*(that which is inherent – te ngākau)*

#### **Rangitāne ki raro**

*(that which aligns to terrestrial existence – te māramatanga)*

We assert mana ki runga, ki waho, ki roto, ki raro, over our land, airways, waterways and moana for the benefit of Rangitāne people

In any discussion regarding the protection of our taonga/wāhi tapu and natural resources generally, one must understand our traditional history and origins as an iwi.

The origins of Rangitāne stem back to the arrival of the Kurahaupō waka on the Mahia Peninsula at Nukutaurua between 25-30 generations ago. Our primary tīpuna of descent is Whātonga. He and his descendants, settled on the coastline landward of Cape Kidnappers, where he built a house called Heretaunga that became the name for the entire Hastings/Napier area.

The Wairarapa region comprises the eastern side of the Remutaka and Tararua Ranges and the area south of Tamaki Nui-ā-Rua to the southern coast at Palliser Bay and Cape Palliser.

The Tamaki Nui a Rua takiwa starts at the headwaters of the Manawatu River in the Ruahine Ranges, following a line to Cape Turnagain, proceeding south along the coastline to the mouth of the Mataikona River, then following a line to the Hastwell/Mt Bruce District. Proceeding then to an adjacent point at the top of the Tararua Ranges. From this point, proceeding north along the summit of the Tararua, then along the summit of the Ruahine Range to the headwaters of the Manawatu River.

Together with Wairarapa and Tamaki Nui-ā-Rua, our overall tribal takiwā comprises approximately 2.5 million acres, and 5,800 registered members.

Ko Ruahine te maunga

Ko Rangitūmau te maunga

Ko Manawatū te awa

Ko Ruamahanga te awa

Ko Kurahaupō te waka

Ko Kurahaupō te waka

Ko Rangitāne te iwi

Ko Rangitāne te iwi

Ko Ngāti Te Rangiwhaka-ewa te hapū

Ko Ngāti Hāmua te hapū

Ko Mākirikiri te marae

Ko Te Oreore te marae

## Summary

Indigenous Biodiversity is us, and we are Indigenous Biodiversity. We whakapapa to everything that is Indigenous to this rohe. Therefore, this document absolutely should be lead by Mātauranga Māori.

However, Rangitāne want Te Tiriti o Waitangi to be embedded more explicitly throughout the NPS-IB objectives, policies and regulations. Te Tiriti o Waitangi gives iwi and hapū a mechanism when holding the Crown and its agents to account providing iwi, hapū, and tangata whenua voices weight.

Rangitāne agrees that the starting place for determining Māori Rights and Responsibilities is Te Tiriti o Waitangi and tikanga.

Te Tiriti o Waitangi is the mechanism used to give effect to Te Rito o te Harakeke roles and responsibilities.

Rangitāne want to include protection of our rights, roles and responsibilities as tangata whenua, iwi and hapū. We want to see protection around our cultural assets, and how the NPS-IB and service delivery arrangements will provide this.

Rangitāne agree that tangata whenua as kaitiaki is recognised, acknowledged and a part of the process whereby te Tiriti o Waitangi partner – local authorities must actively engage tangata whenua, iwi and hapū, Māori land owners, ahi kaa roa in the management of indigenous biodiversity.

Māori rights and interests refer to crown and local authority's obligation under Te Tiriti o Waitangi in recognising:

- the application of te ao Māori and mātauranga Māori within an environmental context, inclusive indigenous biodiversity
- te ao Māori and mātauranga Māori in the development of legislation, regulation and policy pertaining to indigenous biodiversity
- actively part of the decision making process.

It will be important that the proposed indigenous biodiversity system is based on a sound understanding of the source of the current relevant "rights" and who are the "rights holders" within the sphere of kāwanatanga influence. The reformed system must accommodate the different layers of Māori rights and responsibilities, tangata whenua, iwi, hapū and Māori landowners.

Mātauranga Māori needs to be prioritised and recognised at a high level.

As part of the crown's Te Tiriti o Waitangi obligations, this bill needs to recognise Māori Data Sovereignty. The collection of information, DNA, and monitoring data around Indigenous Biodiversity is a tapu and a taonga for us. The Crown needs to protect the mana of the Mātauranga ā-hapū.

### **1.5 (2) Te Tiriti o Waitangi – gives effect to Te Rito o te harakeke**

Rangitāne acknowledge - Te Rito o te harakeke, however Te Tiriti o Waitangi should be the guiding document. Te rito o te harakeke is not strong enough so the Crown should be honouring Te Tiriti o Waitangi Māori Rights and Responsibilities in indigenous biodiversity.

Te Rito o te harakeke is a whakataukāki from Te Aupouri. So has the hapū, iwi been approached and given permission to use this concept.

In addition, there is a big issue we have with the appropriation of our concepts and terms. You cannot define in legislation what te rito o te Harakeke means to each rohe, to each hapū and to each whānau. Utilising generic terms is fine, but specific whakataukāki and whakataukāki can colonise our mātauranga within this space. Also there is whakataukāki in our region that is more specific to this that means more to our people.

Te Tiriti o Waitangi is essential to guide tangata whenua and crown/local authorities to develop objectives, policies, and methods that give effect to Te Rito o te harakeke.

We as Rangitāne have an intrinsically linked to our taiao. When it is well, we as people are well. Everything is Connected - the relationship that Rangitāne has with its natural resources is layered with elements of tikanga, identity and reciprocity. The

fundamental starting point is that 'everything is connected,' and because everything is connected, there must be a manifestation of balance across all aspects in Te Ao Māori in order for the 'whole' to be functional.

This is encapsulated in the following whakatauki:

He puna manawa, he manawa whenua!  
He manawa whenua, he manawa ora!  
He manawa whenua, he manawa tū!  
He manawa whenua, he manawa tangata!

*A spring of water from the heart of Papatūānuku*  
*An eternal spring of water, unfailing An eternal spring supports life*  
*An eternal spring supports longevity*  
*An eternal spring supports eternal well-being*

When we talk about functionality from a Rangitāne perspective, we are referring to all things living and the role/s that they play as part of the wider, bigger picture. So it is not just about people, but also about the land, the awa, the flora and fauna, the air and so on.

It goes without saying therefore, that at the absolute minimum for us; all elements are inseparable as without one or the other, we will not function the way that we are supposed to. By way of example, if you were to pollute one of our awa as it has been in the past, you will see a direct impact on our people due to the role that our awa plays in our world, 'ki te ora te wai, ka ora te whenua, ka ora te tangata' meaning, 'if the water is healthy, the land and the people will be nourished'. Thus if the water is not healthy, then the land and the people will be deprived.

Rangitāne are concerned that no progress has been made by the Government in advancing Māori Rights and Responsibilities in relation to freshwater. Te Tiriti o Waitangi should give effect to the web of connectedness between indigenous species, ecosystems, the wider environment, and the community, freshwater is central to indigenous biodiversity. Freshwater is central to all plants and animals that occur naturally and have evolved in Aotearoa.

These rights existed pre-Te Tiriti o Waitangi, Rangitāne o Tamaki nui-ā-Rua and Rangitāne o Wairarapa.

These reforms cannot be completed accurately without identifying the full extent of Māori rights and responsibilities in freshwater and protecting and accommodating those rights and responsibilities in the proposed national policy statement indigenous biodiversity system.

The starting place for determining Maori Rights and Responsibilities is whakapapa, and certainly inclusive of 'tikanga' but it's determination platform is far broader than that and requires a number of other customary ingredients some of which are referred to as Te Ao including mana atua, mana tangata and mana whenua, and tikanga Māori, whakapapa.

The Rangitāne position is that all parts of the environment are 'infused with a mauri'. We see all things as having their very own life force and spiritual dimension that draws on the wairua and mauri of all other things living – creating the inseparable bond between people and resources.

Rangitāne essential elements therefore are:

- (a) As te Tiriti o Waitangi partner tangata whenua have the responsibility of care as kaitiaki of our taonga. Indigenous biodiversity is our taonga. All other New Zealanders have a responsibility of stewardship
- (b) Indigenous biodiversity has an intrinsic value of mauri
- (c) Mana atua, mana tangata and mana whenua have a whakapapa that is mutually respectful and interdependent
- (d) Central to indigenous biodiversity is Te ao and mātauranga Māori
- (e) Protection of wāhi tapu, significant places, traditional materials and resources, flora and fauna, water, and the wider environment of Rangitāne.
- (f) Recognition of Rangitāne mana, kaitiakitanga, tikanga/kawa over and within.
- (g) Respect for Rangitāne tikanga and kaitiakitanga.
- (h) Acknowledgement of our role as Kaitiakai and our matauranga.
- (i) Accurate portrayal of the Rangitāne association and kaitiakitanga relationship with whenua.
- (j) Respect for and recognition of the Rangitāne relationship with the wāhi tapu and wāhi whakahirahira.
- (k) Recognition of the Rangitāne commitment in actively protecting indigenous species.
- (l) Significant earthworks and soil/vegetation disturbance (other than for ongoing track maintenance) will be avoided where possible.
- (m) Where significant earthworks and disturbances of soil and vegetation cannot be avoided, Rangitāne o Tamaki nui-ā-Rua and Rangitāne o Wairarapa will be consulted in particular regard to their views, including those relating to kōiwi (human remains) and archaeological sites; any kōiwi or other taonga found or uncovered will be left untouched and contact made as soon as possible with Rangitāne to ensure representation is present on site to deal with the kōiwi or taonga in accordance with their tīkanga, noting that the treatment of the kōiwi or other taonga will also be subject to any procedures required by law;

### **1.5 (3) Maintenance of indigenous biodiversity**

Our tikanga based on Papatūānuku is not solely related to dry land, it also relates to the takutai moana (coastal area). Rangitāne have always maintained a relationship with the coastal area within our takiwā.

Our view is that the whenua and the moana are the same, they are not different although one is dry land and the other is water, they are part and parcel of one another. Thus we see our coastal area as having the same values and principles that we associate with Papatūānuku, and apply the same obligation to preserve and nurture our coastal area, as we do with Papatūānuku.

Rangitāne suggests to include:

- (a) The ecosystems is inclusive of everything between, within maunga to moana
- (b) Biodiversity, aquatic ecosystem health and mahinga kai in fresh water bodies and the coastal marine area are safeguarded such that:
  - a. water quality, flows, water levels and aquatic and coastal habitats are managed to maintain biodiversity aquatic ecosystem health and mahinga kai,

## 1.5 (4) Effects management hierarchy

As part of Crown's Statutory acknowledgement Rangitāne would expect the ongoing protection principles as directed to avoid harm to, or the diminishing of the Rangitāne values related to indigenous species, all significant sites, reserves, ecosystems and habitats, communities.

- "Where practicable" is ambiguous and open to interpretation.
- "Cannot be demonstrably avoided, they are minimised where practicable" is a weak statement and open to the diminishing of Rangitāne values related to indigenous biodiversity

## 2.1 Objective and policies

(1) The objective of this National Policy Statement is to protect, maintain, and restore indigenous biodiversity in a way that:

- (a) honours and gives effect to te Tiriti o Waitangi partnership - tangata whenua, iwi, hapū, Māori land owners, ahi kaa roa as kaitiaki partner, and New Zealanders people and communities as stewards, of indigenous biodiversity; and
- (b) provides for the social, economic, and cultural wellbeing of people and communities now and in the future.

## 2.2 Policies

**Policy 1:** Indigenous biodiversity is managed in a way that gives effect to Te Tiriti o Waitangi partners through Te Rito o te Harakeke.

**Policy 2:** Tangata whenua, iwi, hapū, Māori land owners, ahi kaa roa are kaitiaki, and enabled to exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:

- (a) enabling tangata whenua, iwi, hapū, Māori landowners, ahi kaa roa to manage indigenous biodiversity on their land; and

- (b) the identification and protection of indigenous species, populations and ecosystems that are taonga.

**Policy 3:** A **proactive** approach is adopted when considering adverse effects on indigenous biodiversity.

**Policy 4:** Indigenous biodiversity is resilient to the effects of climate change.

**Policy 5:** Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries **from maunga to moana**

**Policy 6:** Significant indigenous vegetation and significant habitats of indigenous fauna are identified as significant natural areas (SNAs) using a consistent approach.

**Policy 7:** SNAs are protected by avoiding and managing adverse effects from new subdivision, use and development.

**Policy 8:** The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

**Policy 9:** Certain existing activities **subject to tangata whenua, iwi, hapū, ahi kaa roa, Māori land owners (this term is vague and needs to be clarified)** are provided for within and outside SNAs.

**Policy 10:** Activities, practises, tikanga, kawa that contribute to New Zealand's social, economic, cultural, and environmental well-being are recognised and provided for.

**Policy 11:** Geothermal SNAs are protected at a level that reflects their vulnerability, or in accordance with any pre-existing underlying geothermal system classification.

**Policy 12:** Indigenous biodiversity is managed within plantation forestry.

**Policy 13:** Restoration, **revitalisation** of indigenous biodiversity is promoted and provided for.

**Policy 14:** Increased indigenous vegetation cover is **advocated** and promoted in both urban and non-urban environments.

**Policy 15:** Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of specified highly mobile fauna is improved.

**Policy 16:** Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.

**Policy 17:** There is improved information and regular monitoring of indigenous biodiversity.

### 3.2 Te Tiriti o Waitangi through Te Rito o te Harakeke

Rangitāne view this section to be named Te Tiriti o Waitangi.

It will be important that the proposed indigenous biodiversity system is based on a sound understanding of the source of the current relevant “rights” and who are the “rights holders” within the sphere of kāwanatanga influence. The reformed system must accommodate the different layers of Māori rights and responsibilities.

(1) Local authorities, as Treaty of Waitangi partners, must engage with tangata whenua, iwi, hapū, ahi kaa roa and Māori landowners to determine how to give effect to Te Rito o te Harakeke and its essential elements in their regions and districts.

(2) Te Tiriti o Waitangi requires that local authorities:

- (a) recognise and provide for:
  - (i) te hauora o te koiora (the health of indigenous biodiversity); and
  - (ii) te hauora o te taonga (the health of taonga); and
  - (iii) te hauora o te taiao (the health of the wider environment); and
  - (iv) the interrelationships between those three hauora and te hauora o te tangata (the health of the people); and
- (b) recognise that the protection, monitoring, maintenance, and restoration of indigenous biodiversity requires:
  - (i) kaitiakitanga (including as provided for in clause 3.3) and stewardship; and
  - (ii) To give effect to Te Tiriti o Waitangi through Te Rito o te Harakeke; and
  - (iii) adopting an integrated approach ki uta ki tai (as provided for in clause 3.4); and
- (c) taking steps to ensure that indigenous biodiversity is maintained, preserved and restored for the health, enjoyment and use by all New Zealanders, now and in the future.

### 3.3 Tangata whenua as kaitiaki, as te Tiriti o Waitangi partners

Rangitāne agree that tangata whenua as kaitiaki is recognised, acknowledged and a part of the process whereby te Tiriti o Waitangi partner – local authorities must actively engage tangata whenua in the management of indigenous biodiversity.



Engagement with iwi, hapū, Māori land owners, mana whenua at all levels with Crown has not been done efficiently or effectively in the past. Crown do not understand the levels of engagement with Te Tiriti partners, Takutai moana groups who have customary rights.

Engagement has to be robust, conducted with integrity and respect, timely with full review where decisions are tested, evaluated, and reviewed. Wānanga is a recommended process not only with Crown, local authorities, but within ourselves iwi, hapū, Māori land owners, mana whenua.

Iwi, hapū, Māori land owners, tangata whenua and mana whenua need to be part of national, regional, and local decision-making processes and systems.

The current clause 3.3 (1) says every local authority involve tangata whenua in indigenous biodiversity. "Involve" is too passive.

(1) Every local authority must actively, as Treaty of Waitangi partners, engage tangata whenua (to the extent they wish to be involved) in the management of indigenous biodiversity, and in particular:

- (a) when identifying the local approach to giving effect to Te Tiriti o Waitangi through Rito o te Harakeke; and
- (b) in the processes (including decision-making processes) for managing the implementation of this National Policy Statement; and
- (c) when making or changing policy statements and plans that relate to indigenous biodiversity.

(2) When involving tangata whenua as required by subclause (1), and particularly when making or changing objectives, policies, or methods to give effect to this National Policy Statement, local authorities must:

- (a) ensure that consultation with tangata whenua, iwi, hapū, Māori and owners, ahi kaa roa:
  - (i) is early, meaningful and in accordance with tikanga Māori; and
  - (ii) has regard to the different levels of whānau, hapū, Māori land owners and iwi decision-making structures; and
- (b) recognise and value the role of tangata whenua, iwi, hapū, Māori land owners, ahi kaa roa as kaitiaki of indigenous biodiversity; and
- (c) provide specific opportunities for the exercise of kaitiaki, such as, for example, by bringing cultural understanding to monitoring, measuring and evaluation; and
- (d) allow for the sustainable customary use of indigenous biodiversity in accordance with tikanga.

(3) Local authorities must work with tangata whenua, iwi, hapū, Māori land owners, ahi kaa roa to investigate the use of mechanisms available under the Act to involve tangata whenua, iwi, hapū, Māori land owners, ahi kaa roa in the management of, and decision-making about, indigenous biodiversity, such as:

- (a) transfers or delegations of power under section 33 of the Act;
- (b) joint management agreements under section 36B of the Act;

- (c) mana whakahono a rohe (iwi participation arrangements) under subpart 2 of Part 5 of the Act.

(4) When a local authority **actively engages** tangata whenua in the management of indigenous biodiversity the local authority must:

- (a) record the matters considered and the reasons for any decisions reached, or for not making a decision; and
- (b) publish those matters and reasons as soon as practicable, unless publication would be contrary to any legal obligation.

(5) Local authorities must, with the consent of tangata whenua, **iwi, hapū, Māori land owners**, ahi kaa roa and as far as practicable in accordance with tikanga Māori, take all reasonable steps to incorporate mātauranga Māori relating to indigenous biodiversity when implementing this National Policy Statement.

(6) Local authorities must develop processes for managing information provided by tangata whenua, **iwi, hapū, Māori land owners**, ahi kaa roa (including providing for how it may remain confidential if required by tangata whenua), particularly in relation to the identification and management of species, populations, and ecosystems as taonga (in accordance with clause 3.19).

### **3.4 Integrated approach**

Rangitāne are of the view that tangata whenua, iwi, hapū, Māori land owners are central to the decision making process.

(1) Local authorities must manage indigenous biodiversity and the effects on it from subdivision, use and development in an integrated way, which means:

- (a) recognising the interactions ki uta ki tai (from the mountains to the sea) between the terrestrial environment, freshwater, and the coastal marine area; and
- (b) providing for the coordinated management and control of subdivision, use and development, as it affects indigenous biodiversity across administrative boundaries; and
- (c) considering the requirements of strategies and other planning tools required or provided for in legislation and relevant to indigenous biodiversity.

### **3.5 Social, economic, and cultural wellbeing**

(1) Local authorities must consider:

- (a) that the protection, maintenance, and restoration of indigenous biodiversity contributes to the social, economic, and cultural wellbeing of people and communities; and

- (b) that the protection, maintenance, **revitalisation** and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms; and
- (c) that people and communities are critical to protecting, maintaining, and restoring indigenous biodiversity; and
- (d) the importance of **honouring** partnerships, **te Tiriti o Waitangi**, in protecting, maintaining, and restoring indigenous biodiversity; and
- (e) the importance of respecting and fostering the contribution of tangata whenua as kaitiaki and of people and communities, particularly landowners, as stewards of indigenous biodiversity; and
- (f) the value of supporting people and communities in understanding, connecting to, and enjoying indigenous biodiversity.

### **3.6 Resilience to climate change**

(1) Local authorities must promote the resilience of indigenous biodiversity to climate change, including at least by:

- (a) providing for the maintenance of ecological integrity through natural adjustments of habitats and ecosystems; and
- (b) considering the effects of climate change when making decisions on:
  - (i) restoration proposals; and
  - (ii) managing and reducing new and existing biosecurity risks; and
- (c) maintaining and promoting the enhancement of the connectivity between ecosystems, and between existing and potential habitats, to enable migrations so that species can continue to find viable niches as the climate changes.

### **3.7 Proactive approach**

(1) Local authorities must adopt a **proactive** approach toward proposed activities where:

- (a) the effects on indigenous biodiversity are uncertain, unknown, or little understood; but
- (b) those effects are potentially significantly adverse.