

SUBMISSION ON THE DRAFT NATIONAL POLICY ON INDIGENOUS BIODIVERSITY

Ramona Radford, Kelvin Tapuke and Sylvia Tapuke in behalf of our tamariki and mokopuna

Ko Tainui waka, Ririwhenua hapū, te uri o Rehua, Richmond whanau, nō Te Hanoa, Torere – i roto i nga kaitiaki o Torere 1B

14 March 2020

The NPSIB sets out to address the ongoing loss of New Zealand's terrestrial indigenous biodiversity. We agree in principle with the concept of Hutia te Rito as a framework for this purpose. An indigenous biodiversity register would also be of significance to Aotearoa New Zealand's cultural and natural heritage, and of great interest/use for our whanau/kaitiaki aspirations and others. The work carried out by the Biodiversity Collaborative Group and MfE officials is a good start, but presently incomplete for a NPSIB to be enacted with our support. There are other voices that must be reflected in it at the flax roots level.

The NPSIB presents two key challenges for us: 1). We oppose the idea of a policy for indigenous biodiversity being administered by local authorities that lack the capacity and find it challenging to offer effective Māori engagement despite a strong desire from iwi, hapu and whanau groups for improved engagement with local government; and 2). We don't feel it goes deep enough to enable kaitiakitanga as an already viable (highly regarded) activity and cultural-economic baseline. The NPSIB risks a current and future Māori bioeconomy based on kaitiakitanga if these local authorities are unable to understand, work with and navigate our kaitiakitanga practice and worldview which is distinctive to Aotearoa New Zealand. Both concerns could represent risk to Government as far as indigenous biodiversity and under the Treaty of Waitangi, but they are also opportunities for our nation to show indigenous leadership in the indigenous biodiversity space - if we can put indigenous authority ahead of local authority on matters of kaitiakitanga.

There is room to make improvements to the NPSIB function with a two-pronged adjustment. Firstly, ensure that kaitiaki have our own system of administration – perhaps through a widening of the Mana Whakahono a Rohe provision of the RMA to include hapū and where appropriate, whanau; and secondly develop a system-widening transition space (e.g. a 2-year pilot project) to complement Mana Whakahono a Rohe. A space for deeper conversations, testing both local authorities and registered Māori landowner perceptions and goals using a workshop, analysis and roadmapping methodology. Outputs may include the setup of centralised or regional Local Government Kaitiakitanga Unit/s to enable this growth and improvement opportunity for LG sector/services, Māori and other interested parties; data sovereignty and management; and securing national budget for this undertaking.

A broader outline of our thinking follows in the table below:

NPSIB Provision	Subject text	Comment	Relief sought
<p>RMA</p> <p>Section 7</p> <p>Section 32 RMA</p> <p>Section 35 RMA</p>	<p>Refers to “managing the use, development, and protection of natural and physical resources.”</p> <p>Refers to the RMA “having particular regards for kaitiakitanga and stewardship.”</p> <p>Section 32 of the RMA requires an “evaluation of a proposed national policy statement to determine whether:</p> <ul style="list-style-type: none"> • The objectives of the proposal are appropriate to achieve the purpose of the RMA; and • The provisions of the proposal are the most appropriate to achieve those objectives by: <ul style="list-style-type: none"> ○ Identifying other reasonably practicable options for achieving the objectives; and ○ Assessing the efficiency and effectiveness of the provisions to achieve the objectives.” <p>Iwi authority is “the authority which represents an iwi which is recognised by that iwi as having authority to do so”. Hapū must request either the local authority or the Crown (or both), through the group that represents the hapu, to be included in the record. Identification and recognition of both</p>	<p>As we do not see ourselves as separate from our special natural areas or taonga – we want a system that views “natural and physical resources” on Māori land as if they are connected to Māori health and wellbeing. This is not the RMA systems of authority as they currently operate. There are jobs for qualified Māori landowners and significant potential for economic growth in a corruption free system that puts indigenous biodiversity and kaitiakitanga first - now and in the future, which can be provided or reduced by the NPS. As currently outlined in the dNPS, kaitiaki economic/employment opportunity is greatly reduced because the powers under the Resource Management Act, although unclear, appear to still sit with local and iwi authorities, and there is no power given to hapū and other Māori land owners to carry out kaitiakitanga.</p> <p>Local authorities through their lack of regard for kaitiakitanga and stewardship are known by Government to be putting up roadblocks for hapu and whanau, while also causing and contributing to pristine ecosystem collapse and indigenous biodiversity decline for which Māori are kaitiaki. Forcing hapū and whanau to work with local and iwi authorities to map and register taonga and SNAs under the NPSIB would presently amount to a breach of Te Tiriti ō Waitangi.</p> <p>The term “tangata whenua” is used widely in Part 3 of the dNPS but it is not defined in the document. The word “hapu” is used widely in the</p>	<p>We want a totally different solution to help us to manage our special natural areas and taonga. One that is authentic about the stewardship and kaitiakitanga and based on self-determination for Māori landowners that supports us to effectively carry out our role as kaitiaki. Hutia te Rito describes the ideal, but its failure is going to be the current RMA system failures, that exist under local authorities.</p> <p>We call for additional quality within the system so everyone especially Māori landowners, with a distinctive worldview, and indigenous biodiversity can get what we need in order to carry out a quality programme of “hauora o te koiora, taonga and taiao.”</p> <p>This would involve:</p> <ol style="list-style-type: none"> 1. Co-developing an NPSIB roadmap to accompany the draft NSPIB that describes the necessary steps to ensure a quality regime that can work for everyone – tangata whenua (iwi, hapu, whanau), local authorities, farmers, and private landowners. This roadmap should be informed by evidence (data gathered from this submission) and will possibly

<p>Section 36B RMA</p>	<p>iwi authorities and hapu groups is, therefore, a matter for iwi and hapū. Local authorities must include information provided by the Crown in its records (along with any information it obtains including from iwi authorities and hapu groups directly. Iwi participation arrangements may become more formalised through the addition of the Mana Whakahono a Rohe process in the RMA.”</p> <p>A local authority has the power to apply to the Local Government Minister to make a joint management agreement with an iwi or hapū group (or combination of these) after these groups have satisfied the criteria (ad lib).</p>	<p>RMA. Under RMA Sect 58O Mana Whakahono a Rohe can only be formed between “local authorities” (many of which do not have a knowledge of mātauranga Māori or kaupapa Māori (preferred) ways of working); and “iwi authorities” (which do not hold the authority to speak for all Māori land, only Treaty settled land). Kaitiakitanga is not defined in the NPSIB, or in any policy, though it is frequently used. The terms “tangata whenua”, and “kaitiakitanga” need to be defined by the writers and then aligned across all government policy to reduce confusion. A new more Māori friendly “tangata whenua” category would enable Mana Whakahono a Rohe powers to work more appropriately across Māori land.</p> <p>Local authorities are currently declining applications from hapū for Mana Whakahono a Rohe although criteria is satisfied. Rights of Māori landowners to due process under the RMA is not guaranteed without burdensome cost and effort. Iwi authorities do not have authority for all Māori land, neither do hapū. What happens to Māori land that falls outside of either category? What happens to hapū land that falls outside of iwi authority, if hapū are refused Mana Whakahono a Rohe by local authorities?</p> <p>Evidence shows that the RMA is not working in its current form for the most affected parties. Why would it work for NPSIB? We imagine NPSIB will add further pressure to Māori landowners to carry out kaitiakitanga for special natural places and</p>	<p>consider: plans for data management and Māori data sovereignty; implementation pathways for local authority training (mātauranga, Māori engagement, Treaty workshops) and development; tool development (e.g. needs assessment, impact planning/evaluation and monitoring tools for all parties); skill and resource support and development for land owners; risk management; and co-developed learning curriculum for children.</p> <p>2. Widening the provisions of the NPS to enable kaitiaki to carry out kaitiakitanga as defined by Hutia te Rito by:</p> <ul style="list-style-type: none"> a) defining “tangata whenua” in the NPS as “registered Māori landowners” “hapū” and/or “kaitiaki”; b) including “tangata whenua” (as defined in a.) in the Mana Whakahono a Rohe provision of Sect 35 RMA; c) enforcing “tangata whenua” rights under Sect 35 RMA Mana Whakahono a Rohe, to include protection for “tangata whenua”; d) enabling local authorities with an appropriate level of understanding of the principle and practice of kaitiakitanga and Māori engagement (such as necessary to make the NPSIB successful) by supporting training, education, mentoring,
<p>Section 58O RMA Initiation of Mana Whakahono a Rohe</p>	<p>“At any time other than in the period that is 90 days before the date of a triennial election under the Local Electoral Act 2001, 1 or more iwi authorities representing tangata whenua (the initiating iwi authorities) may invite 1 or more relevant local authorities in writing to enter into a Mana Whakahono a Rohe with the 1 or more iwi authorities.”</p> <p>“Objective 2: to take into account the principles of the Treaty of Waitangi in</p>	<p>Evidence shows that the RMA is not working in its current form for the most affected parties. Why would it work for NPSIB? We imagine NPSIB will add further pressure to Māori landowners to carry out kaitiakitanga for special natural places and</p>	<p>consider: plans for data management and Māori data sovereignty; implementation pathways for local authority training (mātauranga, Māori engagement, Treaty workshops) and development; tool development (e.g. needs assessment, impact planning/evaluation and monitoring tools for all parties); skill and resource support and development for land owners; risk management; and co-developed learning curriculum for children.</p> <p>2. Widening the provisions of the NPS to enable kaitiaki to carry out kaitiakitanga as defined by Hutia te Rito by:</p> <ul style="list-style-type: none"> a) defining “tangata whenua” in the NPS as “registered Māori landowners” “hapū” and/or “kaitiaki”; b) including “tangata whenua” (as defined in a.) in the Mana Whakahono a Rohe provision of Sect 35 RMA; c) enforcing “tangata whenua” rights under Sect 35 RMA Mana Whakahono a Rohe, to include protection for “tangata whenua”; d) enabling local authorities with an appropriate level of understanding of the principle and practice of kaitiakitanga and Māori engagement (such as necessary to make the NPSIB successful) by supporting training, education, mentoring,
<p>Draft NPS 2.1 Objectives</p>	<p>“Objective 2: to take into account the principles of the Treaty of Waitangi in</p>	<p>Evidence shows that the RMA is not working in its current form for the most affected parties. Why would it work for NPSIB? We imagine NPSIB will add further pressure to Māori landowners to carry out kaitiakitanga for special natural places and</p>	<p>consider: plans for data management and Māori data sovereignty; implementation pathways for local authority training (mātauranga, Māori engagement, Treaty workshops) and development; tool development (e.g. needs assessment, impact planning/evaluation and monitoring tools for all parties); skill and resource support and development for land owners; risk management; and co-developed learning curriculum for children.</p> <p>2. Widening the provisions of the NPS to enable kaitiaki to carry out kaitiakitanga as defined by Hutia te Rito by:</p> <ul style="list-style-type: none"> a) defining “tangata whenua” in the NPS as “registered Māori landowners” “hapū” and/or “kaitiaki”; b) including “tangata whenua” (as defined in a.) in the Mana Whakahono a Rohe provision of Sect 35 RMA; c) enforcing “tangata whenua” rights under Sect 35 RMA Mana Whakahono a Rohe, to include protection for “tangata whenua”; d) enabling local authorities with an appropriate level of understanding of the principle and practice of kaitiakitanga and Māori engagement (such as necessary to make the NPSIB successful) by supporting training, education, mentoring,

<p>dNPS 2.2 Policies</p>	<p>the management of indigenous biodiversity.”</p> <p>“Policy 1: to recognise the role of tangata whenua as kaitiaki of indigenous biodiversity within their rohe, providing for tangata whenua involvement in the management of indigenous biodiversity and ensuring that Hutia Te Rito is recognised and provided for.”</p>	<p>taonga, but without the power, support and resources of local authorities.</p> <p>From the late 1700s until the last three decades, our whanau has been systematically colonised and disconnected from our lands. Starting with our involvement in land wars (tribal and colonial), breakdown in traditional (hapu/whanau) land and tribal structures, heavy language and culture loss, a World War, urban drift and loss of wellbeing, identity and belonging. Over that time we lost valuable know how and historical resources (language and whanau numbers) to sustain and manage our special natural areas and taonga.</p>	<p>supporting, mapping, surveying, data collection/ management and facilitation by “tangata whenua” to deliver economic growth/employment opportunities through the NPS as a further expression of “tangata whenua” tino rangatiratanga and self-determination.</p>
<p>dNPS 3.2 Hutia te Rito</p>	<p>“Local authorities must recognise and provide for Hutia te Rito in implementing this dNPS.”</p>	<p>Hutia te Rito is a beautiful vision but unless it is realised fully and quickly, our already stressed SNAs will decline further and taonga will disappear, not from lack of care but from systemic failure to support us in our role as kaitiaki. We want to catalogue and manage own SNA’s/taonga but under the current RMA regime this will be impossible. A system shift is needed to help us put together culturally appropriate resources and indigenous biodiversity work programmes because as work happens voluntarily and ad hoc, it will be inconsistent.</p>	<p>3. Developing a “tangata whenua” criteria of approval with iwi/hapu/researchers to be implemented under Section 58O. What is the necessary criteria to qualify “tangata whenua” to work with local authorities? Applying penalties for noncompliance.</p>
<p>dNPS 3.3 Tangata whenua as kaitiaki</p>	<p>“..every local authority must involve tangata whenua by undertaking consultation in accordance with tikanga Māori; and collaborate to identify taonga, recognising that tangata whenua have the right to choose not to identify taonga; and develop objectives, policies and methods that recognise and provide for Hutia te Rito; take steps to incorporate mātauanga Māori; to provide for tangata whenua to be involved in decision-making relating to indigenous biodiversity when implementing the NPS.”</p>	<p>Hutia te Rito is a beautiful vision but unless it is realised fully and quickly, our already stressed SNAs will decline further and taonga will disappear, not from lack of care but from systemic failure to support us in our role as kaitiaki. We want to catalogue and manage own SNA’s/taonga but under the current RMA regime this will be impossible. A system shift is needed to help us put together culturally appropriate resources and indigenous biodiversity work programmes because as work happens voluntarily and ad hoc, it will be inconsistent.</p>	<p>4. Developing a “local authorities” evaluation criteria with iwi/hapu/local authorities/researchers to be implemented under Section 58O. What is the necessary criteria to qualify “local authorities” to work with, and keep working with “tangata whenua”? Applying penalties for noncompliance.</p>

This is our submission:

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