

Introduction to submission Proposed National Policy Statement for Indigenous Biodiversity.

E tangi nei a Ranginui
E ki ana nga roimata
Kapi katoa te whenua
Kua waipuke
Kahore he rakau
Kahore he manu
Kahore he ngarara
Kahore he hipoki
Mahue makariri
a papa tu a nuku e

Our sky father weeps
And there many tears which fall
The land becomes drenched
And becomes flooded
There are no more trees
There are no more birds
There are no more insects
There is no protective cover
Left cold and unprotected
Is our mother earth

Pepi Walker, Matawaia, Te Kau-i-Mua, Ngati Hine (1953 -2011)

This tangi waiata is one which comes from the heart; an expression of grief about what we see as the desecration of our indigenous biodiversity in our tribal homeland.

When we talk or write about our natural world, it always is an expression which comes from our hearts as indigenous people. We know our tribal homelands, we were born here; our bones are here; our ancestors fought and died for us here.

We begin this submission with our hearts; Indigenous biodiversity is who we are; our hearts beat to the same rhythm. We submit and speak for the trees, the birds, the insects, our land; Papa tu a nuku and Sky father Ranginui

We therefore cannot answer the questions outlined in the proposed national policy statement on indigenous biodiversity without first setting the context which underpins our response.

Nga Tirairaka o Ngati Hine.

Nga Tirairaka o Ngati Hine is the Ngati Hine environmental group which was initially established through Te Runanga o Ngati Hine. Its origin was driven by the grief and anger of our people toward the ongoing destruction and modification of the natural world in our tribal homeland. Nga Tirairaka o Ngati Hine is the collective voice of our tribe that deals with all matters concerning the natural environment.

Nga Tirairaka have a clear outcome about how we participate in addressing the decline in indigenous biodiversity, and in doing so, how this contributes not only to the regeneration and protection of Te Ao Turoa, but also in tandem, the regeneration of our reo me ona tikanga. (Language culture and heritage)

Te Mana o Te Ao Turoa: Kei reira te Mana o Ngati Hine

Te mana o te Ao Turoa is our concept where the natural world has its own rights and power. We as humans violate those rights mostly for our own monetary gain. We are framed in a hegemonic euro centric economy that does not or refuses to connect to this mana; now Aotearoa is now at an environmental crisis point with 4000 species threatened or at risk of extinction.¹ The environmental crisis is not new to us as tangata whenua; we have been confronting it for generations. Perhaps the difference is now that others are also becoming aware of this crisis and owning their part in what they have created. However our sky father continues to grieve as he looks upon our earth mother who lays bare, her children dying because she has been stripped of the capacity to care for them.

The natural world has its own right and power. This is where humans and non humans derive mana; not the other way round. This mana is expressed in te mana o te wai; te mana o te whenua; Mana o te ngahere; mana o te hau; in te wao nui a tane; te tini nui o tane.

¹ He Kura Koiora I hokia: A discussion document on the proposed National Policy Statement for Indigoenu Biodiversity 2019, p 10.

Te mana o te whenua

Te mana o nga atua

Te mana tangata

This whakatauki recognised the power and rights of the land; te mana whenua; te mana o nga Atua is the means by which we give effect to those rights; Our Atua are represented as features of the natural world. In them is also captured the different forms and shape of human behaviour. Together this presents how we treat and live in the natural world without or with the least possible violation to the power and rights of the natural world. Finally it is mana tangata through the privilege of existence who manifest this mana in our lives.

The narrative about the environmental and indigenous biodiversity crisis in our country demonstrates how distant we have become in our relationship with the natural world and how we take for granted our very existence. Te mana o te Ao turoa is te mana o Ngati Hine. It is our responsibility to protect and care for this mana.

Whanaungatanga or biodiversity is the link between all living things. Each species plays a unique role in this cycle. Losing one element or relation in this whakapapa or genealogy will cause great harm.

He tangi aroha

We grieve for the extinction of Eyrewell ground beetle. This native ngangara is gone forever. It is one of the most horrific events of our time and yet we allow commercial activity to outweigh the protection and care of our indigenous animals. This species was found only in Eyrewell Forest, a single exotic Pine Forest located in the north Canterbury region. The plantation of exotic pine trees was cleared to convert into dairy farms. Regardless of protest from Department of Conservation the land was cleared and as a result our native beetle was rendered extinct. This should have triggered a law change or immediate action. It did not. Commercial interests took precedence over the care and protection of this animal. Ka tangi aroha mau e te whanaunga e ngangara.

Matauranga and Tikanga

Matauranga and tikanga is not static; it is organic and changes as we adapt to new circumstances that impact on the survival of our indigenous culture. We have made mistakes, however we are not culpable. We learnt and continue to learn from our own mistakes always mindful of our ancestral legacy. Our ancestors ensured we survived regardless of colonisation which has decimated our natural world in Aotearoa. We continue to be proud of how they managed to keep our ahikaa a roto (internal flame) a light even under the ongoing administration of outdated colonialism.

Like the Pukeko and Parerarerera who have adapted to the pasture lands for survival so have we adapted for our survival. These animals use their own matauranga and tikanga as a means to survive. We learn from these animals.

We are also like the ancient Ponga. When Ponga produces a pua (spore metaphorically a baby) a new generation of fern appears that is different or unique from the previous generation. Even though the Ponga may produce quite a different or unique fern over generations, it still remains a Ponga. Aristotle claimed that living things have “a principle of change and staying unchanged” Such is the matauranga and tikanga of tangata whenua and our role as part of the ‘indigenous biodiversity’ of Aotearoa.

He Uri Wahine

Ngati hine are also descendents of an eponymous chief

tess Hineamaru. She faced great adversity to ensure that we were her people were fed and protected. She was born in Waipoua amongst the great kauri trees; Walked unimaginable miles through our thick native forests with her parents and siblings; took charge to ensure that they settled in places with an abundance of food, finally settling where fertile soils could grow the precious kumara. This is the unique feminine energy that flows in our blood: the mauri that connects us to our tribal homelands and indigenous biodiversity.

Te mutunga mai

We are confident in the feedback of other tangata whenua on the proposed NPSIB. We support the korero and submissions we have heard and viewed from various tribes and tangata whenua across the country. We all express the same view, just in different ways

For this reason we do not agree to the use of ‘Hutia te Rito as a statement on its own. Our interpretation is one which embraces the whole whakatauki as we do the views of other tribes and tangata whenua:

Hutia te rito o te harakeke

Kei hea te komako e ko

Maku e ki atu, he tangata, he tangata, he tangata

In our view it is our responsibility just as is the growth of the harakeke (or in our Ngati Hine reo; korari) to wrap ourselves around the new shoot so that it may grow; in doing so provide for the wild life which depend on the flax for sustenance. When we do this carefully and with skill, we therefore provide for our own sustenance and well being.

Me anga whakamua

Our interest in the proposed NPIB is in the implementation and execution of NPSIB within te rohe potae and rohe tangata o Ngati Hine In doing so, we will orchestrate what is required in regard to what needs to happen ‘on the ground’ when the NPSIB comes into effect.

What would this look like?

- We will facilitate the interaction between local government agencies with hapu and tangata whenua to achieve the principles and objectives of the NPSIB.
- We will determine and implement education programs and initiatives about indigenous biodiversity, both from our view and the views of others.
- We will contribute to the development of 'new knowledge' that focuses on the care, protection, enhancement and regeneration of our indigenous biodiversity.
- We will create an environment of solidarity and relationships as a model not only for other tribes and government agencies in Aotearoa, but also for other indigenous peoples to adapt in how they may work at a local level to address the decline in indigenous biodiversity.

We are a people of relationships, first to the natural world and also each other. It is this capacity for relationships that we are able to network and engage with anybody that holds the same values and passion for the restoration, protection and enhancement of indigenous biodiversity.

We have the people and the passion. Amongst our tribe and tribal networks we have academics and professional technocrats in disciplines such as planning, policy and strategy, science, business, education and law. We equally are fortunate to have knowledge holders not only kuia/ kaumatua but also within and across our younger generations. Some of these knowledge holders are high profile individuals in their work and commitment in the natural environment space. We know our people and we know our natural environment.

Nga Tirairaka o Ngati Hine Submission to the proposed National Policy Statement Indigenous National Policy Statement

Overall thoughts about the introduction section and the need for an NPSIB:

We agree that there is a critical need for a NPSIB as a framework to protect our indigenous biodiversity. However, protection cannot be achieved without regeneration also as an outcome. The environmental crisis is a result of economic development and activities. When we look into how pests have arrived here, such as the possum, we will see that they were introduced to farm. In this regard there is no mention of legislation such as the Hazardous Substances and New Organisms Act 1996 (HSNO) which continues to allow foreign animals and chemicals into our country. In fact, the impact of economics does not stand out as the singularly most devastating cause of the decline and loss of our indigenous biodiversity.

In our view the lack of visibility about the adverse impact of economic development on our natural world tends to demonstrate the lack of will, indeed courage to challenge this machine which is at the core of the serious decline in our indigenous biodiversity. We have just had an extinction of the Eyrewell ground beetle as a result of economic interests being placed before the threat to the existence of this animal. This event was a major disaster and yet there was no immediate action or law change to the RMA or any other law, in response to this tragedy.

The introduction does not refer to a 'whole of government' approach to addressing this crisis. The legislations which are cited only refer to the protection of flora and Fauna. If we are to deal with this front on, we would have liked to see a statement about a whole of government approach or something to that effect. Our natural world; our indigenous biodiversity will not once again flourish if we deal with it in silos; Every government agency, not only those charge with 'protection' need to participate in dealing with this crisis; Furthermore there are a menu of legislation that impact have a bearing on the protection of Indigenous Biodiversity in relation to Maori. The inter-agency approach to the WAI262 and giving effect to the recommendations of the claim is a step in the right direction as a whole of government approach to addressing serious environmental concerns.

We also note that the iwi forum seems to have become the default group to include in working groups in matters related to the natural environment. There are numerous tangata whenua/Maori groups who are directly involved in these matters that could have been more appropriate in this case, for example, Nga Whenua Rahui participants. Furthermore, it would be useful to describe how this forum represents the interests of hapu and whanau in the drafting of this proposal.

Question 1: Do you agree a NPSIB is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Why/why not?

When we read about the environmental crisis point within Aotearoa and the approximately 4000 threatened or at risk of extinction as well as the equally grim situation outlined in the Environment Aotearoa 2019 report, It seems rather naïve to question whether not we support a case that will strengthen the protection of our indigenous biodiversity in the RMA.

The RMA is potentially the strongest piece of legislation which could give legislative weight behind confronting the serious decline in our indigenous biodiversity. Maybe it would have been a more productive question to have asked is how we see strengthening the protection of our indigenous biodiversity as part of the current opportunity for reform of the resource management system.

The NPSIB should challenge the suitability of the concept of 'promoting sustainable management of natural and physical resources' in relation to continual decline of natural and physical resources; in this case, indigenous biodiversity over the last 20 years. Sustainable management under the RMA should change to the use of concepts such as regeneration, restoration, and remediation. In doing so a whole systems shift would be required that will strengthen the protection of our indigenous biodiversity. Sustainable management has become subject to interpretation that has unfortunately diminished its original intent.

'Provisions under the RMA are unclear, subject to different interpretation, application and monitoring' reflects how 'sustainable management' has become diluted and changed to fit with the ever dominant western economy.

Question 2: The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Why/why not?

Yes, we support the scope of the NPSIB and that it has a role in coastal marine and freshwater environments. The centre of the Ngati Hine tribe is inland. Our wetlands (repo) also define us as a tribe. However, we also connect to the coastal environment through our whakapapa and waterways. Therefore, we have a geographical interrelationship which doesn't separate one from the other. This includes the atmosphere as well, especially with the impact of climate change on our natural world.

As we stated in our introduction, we know these interrelationships and the people which equally are a feature of these land, sea and air spaces. There are birds for instance which move between the land and the sea, our eels that can also move across the land between water bodies and out to the sea. One of our Kaitiaki taniwha in our inland communities is a Whai or stingray. In ancient times before land modification, the stingray appearing in our freshwater streams was considered a Kaitiaki because it could move between fresh water and the sea. Although the stingray is a marine animal, and there appears to be no relationship to the terrestrial environment, we refer to this event to illustrate how all of these environments interrelate to each other in terms of our connections as a tribe to biodiversity.

Question 3: Do you agree with the objectives of the proposed NPSIB? (see Part 2.1 of the proposed NPSIB) Why/why not?

Yes, we support the objectives which we have stated in our introduction that we execute within our rohe potae and tangata o Ngati Hine.

We further support 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.

Recognition of our role as Kaitiaki is in the execution of the NPSIB within our rohe, which also is recognition of obligations of the Tiriti o Waitangai/Treaty of Waitangi. We view all other objectives through our capacity to implement the objectives, coordinating as required other agencies, interest groups and farmers in our rohe.

Section A: Recognising te Ao Māori and the principles of the Treaty of Waitangi (pgs 23 - 30) Overall thoughts about Section A:

We agree with the explanation related to western science underpinning government decision making about our indigenous biodiversity with te Ao Maori, matauranga and tikanga not always featuring in those decisions. We note the irony of this inequality when indigenous knowledge is now being pursued by western science to address ecological matters. For example, we have knowledge holders from within our tribe who are at the forefront of trying to remedy the impact of kauri dieback through our own matauranga working alongside science in the pursuit to save our majestic kauri.

The NZ Journal of Ecology recently published articles in a special addition on matauranga in ecology. Those articles reflect a range of topics in which matauranga Maori is active, from a viewpoint which is both rigorous in approach and execution. We are in a different world to simply 'recognising te Ao Maori and the principles of the treaty'. Notwithstanding this lack of awareness, we also have people who participate in international forums from a te Ao Maori position; people of passion who have lived these experiences on the ground in their homelands.

Question 4: Hutia te Rito recognises that the health and well-being of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPSIB. Do you agree? Why/why not?

We agree that health and wellbeing of nature is vital to our own health and wellbeing. We go further as stated in our introduction that our very existence as a species is reliant on the health and wellbeing of the natural world.

In our introduction to the proposed NPSIB we outline our view of Hutia te rito that we see this phrase in the entirety of the renown whakatauki from which it is drawn. We also have been made aware that this phrase has been taken from the WAI262 claim? In this regard, we consider this whakatauki as also referring to collectivism, that is working together toward a common goal; not that we are a 'stakeholder' to something that is situated 'above' us.

Question 5: Does the proposed NPSIB provide enough information on Hutia te Rito and how it should be implemented? Is there anything else that should be added to reflect te Ao Māori in managing indigenous biodiversity?

No there is not enough information on Hutia te Rito and how it should be implemented. There is no connection to the reality of what happens on the ground and the implications this has for tangata whenua. For example, we have cases of Nga Whenua Rahui in our rohe some under kawenata (covenants) directly with the Department of Conservation, another under te ture whenua Act 1993. These ngahere are supposed to be exempt from rates, however there are incidences where the Councils continue to rate these areas, even though they are also SNA and registered as natural reserves. The machinery which is supposed to administer rate exemption does not even apply its own rules effectively; causing stress on the part of the NWR owners, and extra time and effort to work with Councils without payment to 'fix' their broken machinery.

There needs to be more clarity in the objectives and policies of this section; there is nothing new in the words that it proposes. Furthermore, the use of language such as 'minimum' 'reasonable steps' does not evoke a sense of change, or indeed that we will be taken seriously

We also reiterate that Ngati Hine is uri o te wahine, descendents of a woman; there is no reference to the feminine in the protection, regeneration or enhancement of indigenous biodiversity. Again, the irony is not missed when the majority of tangata whenua who collect and work with harakeke/korari are women, who protect the 'rito' by using care and skill of the entire plant.

Question 6: Do you think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi? Why/why not?

No, in that the words are empty, the usual script that seems to have become normalised in government documents. Here we support what other tribes have submitted in regard to 'No' in this section. In our view it is 'on the ground' from within our rohe that is found how to take into account the principles of the treaty of Waitangi; this has not been reflected in this section. Te Whakaputanga o nga Hapu o Nu Tireni is also an important political statement which is regarded in our tribe as with many others, however, there seems to be no good will to mention this in tandem with the treaty of Waitangi. We wonder if this is based on political fear because it speaks to our own autonomy, or that it is not recognised as a valid tool in the administration, governance or otherwise with it comes to addressing the decline of indigenous biodiversity in our country.

Question 7: What opportunities and challenges do you see for the way in which councils would be required to work with tangata whenua when managing indigenous biodiversity? What information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management? Please explain

We can only respond from our experiences with the district and regional councils in our rohe. Firstly, we are subjected to ongoing inequity in regards the environmental and resource management of any kind. Resource Consents are where the 'rubber hits the road'. The RMA only goes a short way to include our views on such matters. Our story is one of battle against resource consents which go against and even ignore our world view and concerns, with minimal or no access to financial resources. We confront situations with litigious individuals with money to take the battles into court, even to change law. Consultation is not given due respect because it does not have to be enforced. We are then relegated into the publicly notified space where we have to prove that we are an affected party. Although this may seem outside the scope of this proposal; it is a very real situation when we are trying to protect our indigenous biodiversity.

Secondly biodiversity units in these Councils are small and, in our view, not taken seriously; often staffed by Ecologist and Scientist whose intentions may be honourable, however lacking the understanding and application of our world view.

We are at a point where we see ourselves leading on the management of our indigenous biodiversity. We have skills, expertise and passion. We know our indigenous biodiversity and our people. In this regard we also support objectives that set out an integrated approach to the management of our indigenous biodiversity. In this regard, Council biodiversity units should be located in our community, working with us on biodiversity matters; not confined to Council offices away from our people. Integrated does not mean we come to you, with the belief that an ecologist or such like are the final 'experts' on our biodiversity. Indigenous biodiversity remains our greatest concern; Councils do not live and breathe what this means to us; we ourselves are the resource which needs to be supported to enable us to manage our indigenous biodiversity.

Question 8: Local authorities will need to consider opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity, including by allowing for sustainable customary use of indigenous flora. Do you think the NPSIB appropriately provides for customary use? Please explain

No. It is offensive to us when the proposal states that 'it provides for regional council and territorial authorities to consider opportunities for tangata whenua to have sustainable customary take and use of indigenous vegetation. It is not Councils right to set out our customary rights. First, this rings of the colonial 'blaming' that we are somehow responsible for the decline in indigenous biodiversity. We are not responsible for the extent of threatened and extinction of flora and fauna in this country. It is capitalism which sits firmly in that space. Councils need to be more diligent in dealing with how much is taken or rather wiped out from others, which is a bigger concern.

It is our responsibility to determine what 'customary take' is and how we manage our customary use of our taonga. Customary take of flora and fauna by tangata whenua is not the business of local councils; and is in fact a breach of our rights under the Treaty of Waitangi. This is our role as Kaitiaki and in goodwill we can share with Councils how we will execute this; not for a NPSIB to set the policy on customary take.

Question 9: What specific information, support or resources would help to implement the provisions in this section? (Section A)

We have stated our position. This is a discussion which needs to happen between parties, not standardised in an NPSIB. This is driven by the relationships which are created between people who aim toward the same outcome, namely protection and regeneration.

Question 10: Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?

Council mapping SNA in our area is flawed. The logistical issues are within the Council itself, including how they work across boundaries with other Councils and with DoC. These agencies need to sort out these internal logistics. For instance, we have a case where a whanau designated a significant amount of their land as Nga Whenua Rahui and under the [Te Ture Whenua Māori Act 1993, Part 17; Māori Reservations Regulations 1994](#). The land has been as nga whenua rahui for approximately 25 years. The SNA required for the designation was conducted by the Department of Conservation. There has been no contact with the local council in regard to the SNA since it was designated. The area was assigned of high value because of the threatened flora and fauna which live in this ngahere. Over 25 years the ngahere has now covered nearly all of the property. The flora and fauna are thriving albeit possums, weeds, rats and so forth. In fact, there has been no follow up with the NWR from any government agency over that time.

The only contact with Council in this regard has been when they have sent rate demands for the area. DoC was contacted by one of the trustees to sort it out with the Council. We also note that when whanau applied for resource consent to build a rammed earth house, Council became concerned about the proximity of the building to the NWR and the disturbance this brought to the ngahere in which the house was located. There was no interest until the resource consent process was triggered. The 'logistical' issues in this example aside from lack of coordination between agencies, is that once proactive development was sort through the resource consent process, the SNA was evoked, even though there had been no engagement or 'partnership' with the whanau by Council when they volunteered the ngahere as a home for plants and animals.

We caution that SNA mapping will have opposition from tangata whenua because of the mistrust of Councils and how they use this sort of information as a means to exert power over tangata whenua. This mistrust runs very deep and has been created over a very long time with the mistreatment of tangata whenua and their land by Councils. The first step in rebuilding trust is Council needs to reinforce that this is not another 'land grabbing' exercise; that they will not take our land from us because it is 'underdeveloped' Secondly Councils must come to us on our lands to conduct SNA mapping, it cannot be done from a desk top. In saying this, the Ecologists who do the identification, must do this with someone from the whanau or hapu. There must be a two-way sharing of information; that is if tangata whenua don't know the names of the animals or plants, the Ecologist are responsible with accessing what they can from the archive or wherever such information may be recorded.

We also support other tangata whenua/hapu or iwi feedback on SNA mapping in regard to the protection of our indigenous biodiversity. In our tribe we also have examples where researchers have come in and taken our knowledge literally; gone away and have made careers off the backs of this research. This also should be built into this system, the return of our ecological knowledge. This process is somewhat more than 'partnership'; it is about Councils accepting responsibility for what they have done and continue to do to tangata whenua. The first step is to engage in building relationships of trust and to follow up with new systems to validate that trust.

Question 11: Of the following three options, who do you think should be responsible for identifying, mapping and scheduling SNAs? Why?

C – Flora and Fauna do not have artificial boundaries. Furthermore, a collaboration of regional and local districts also provides a wider breath of information for projects which are aimed at improving issues related to migratory animals. However there has to be a process where hapu in those areas are also involved in these activities; or are able to be Kaitiaki of the information.