

Submission on
The National Policy Statement for Indigenous Biodiversity

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Ministry for the Environment

FROM – Te Orewai Te Horo Trust (Te Horo 2B2B2B)

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Summary:

Te Orewai, a hapū of Ngāti Hine, support the urgent need to recognise our indigenous biodiversity are under threat from poor management of land use, the impacts of climate change and the shifting priorities of central and local government. Protection of our Tai Ao is a generational tikanga for all hapū and has always been a take for all tangata whenua. However, the avalanche of regulation to protect our taonga tuku iho is so long overdue that it comes at a “tipping point” of threatened extinction of much of our biodiversity. Biodiversity, RMA, freshwater, climate change, are all huge take for us all, not just tangata whenua, but we don’t all share the same relationship or regard to protect them. It is an invisible threat to most people, but everyday hapū are doing the heavy lifting to honour our responsibilities and the bounty our indigenous biodiversity brings us.

Recently we held hapu Tai Ao, Waiora wananga. One whaea shared a story a “lived memory” of seeing tuatara in our ngāhere. She was in her 60’s. Her brother has half a finger from trying to chop its tail off and cutting his own digit. The other day, upon hearing this story, a young 25 year old shared a story of being with his father as a teenager and seeing a very large lizard – indicating more than 500mm long, in a nanny’s ancient wood shed in Pipiwai. We are repeatedly governed by experiences that are not our own. I trust the authenticity of these stories, because I heard them, but these are silent in the knowledge and policies about our biodiversity, because no one invests in our ngāhere to survey them long term. Ive heard it said there are no tuatara on the mainland. How do you know if you have never been to our “Jurassic Park” ngāhere, where we have lived memories of them being there and other places in our rohe whenua?

It is important to understand that here we are not represented by “Iwi”. Mana I te whenua is held by hapū. Government must stop trying to force us, hapū, into alien structures that have no mana, only the fleeting mana of money. Stop positioning relationships of influence over hapū with Iwi. Perhaps it works for some, but it definitely does not work for all. Here in our rohe, Iwi are absent from the whole realm of Te Tai Ao, yet they are the only māori voice in this important take. This is a flawed process and the fact that you don’t know it, because you persist with it, tells us this is not a sound process or platform for the protection, security and future sustainability of our indigenous biodiversity in our rohe. Mana Whakahono agreements is one example of the “brick wall” barrier that prevents hapū with mana I te whenua from engaging local government in these potentially effective relationships to co manage our rohe whenua, our awa, our ngāhere and biodiversity. It is hapū kaitiaki up here who are doing the on the ground mahi to protect our biodiversity, not Iwi. They only convene

for assets with a balance sheet, like fishing quota, not freshwater monitoring, or flora and fauna surveying and monitoring.

Te Orewai has generational whakapapa reaching back 500 years in our case, to this particular rohe whenua. Another 300 more of nomadic movement around the area seeking assurance of food and alliances to protect ourselves from nature and war. Our relationship is enduring and unbroken. It is not based on economic value, it has a very strong spiritual connection and expectation of kaitiakitanga, to “do no harm and leave it better than how we received it, for the enjoyment of future generations.”

For us as hapū who are not “settled” we are ill equipped to engage, let alone deliver these extensive programmes. Which is not to say we don’t want to participate in the development or more importantly the implementation of these policies and regulations, as far as they do not impinge on and alienate us from our sovereign rights and relationships to the whakapapa, existence and needs as well as provisions these taonga have. If the government is serious about protecting our diversity then learn from the mistakes of the past.

The majority of significant landscapes exist on whenua māori blocks, as has been mentioned. Historically central and local government legislation and regulation has not protected what it should have, with the ample existing legislative provisions. We know central and local government will never adequately protect māori interests. Only māori will protect māori interests, and then, only those holding mana I te whenua, will properly protect their own whenua.

Protection of biodiversity must be co designed and co managed with those having mana I te whenua. It must be adequately resourced to set up a matrix of co designed strategies and actions to implement sound legislation, policy and regulations, that must sustain the cascade of on the ground mahi in every rohe. Local government have historically had no interest or desire to engage with mana whenua in our districts. That is changing at all too slow a pace. Tangata whenua have had to walk in two worlds, running without resources to be in the conversation that plunders our matauranga but has no genuine regard for it demonstrated on the ground, except for more regulation to punish and strangle our traditional rights and responsibilities to our whenua, awa, ngāhere, moana and the biodiversity within them all. The inclusion and implementation of Te Tai Ao and matauranga must only sit with those having mana I te whenua, not even with māori working within government agencies, they are well placed to begin and sustain the engagement and know who to talk to.

The whare must be built on a strong foundation that reflects our two world views, with the right material to ensure the walls are strong and durable and future proofed to protect us all. Once the world view is in place for the structure of the whare, then the macro focus and coherency in logic will follow, from that strong foundation of shared values and principles.

However, we will not be constrained by central or local government in the management of our taonga tuku iho. You have not demonstrated that model will protect us all from incremental stealth nor cataclysmic extinction, 1000 species at a time, so we cannot conscionably delegate or accede the sovereign responsibility to our future generations that we must protect today, because tomorrow will be too late for today’s failure.

Lastly, the Crown must recognise that in this large format of collective impact, there are counterintuitive barriers that prevent delivery of the outcomes we seek, eg 1 Billion Trees programme punishes our whenua māori blocks (which the Biodiversity consultation process recognises), by excluding existing mature (indigenous) trees from Land Owner Grants to become a deficit in the equation of hectare size riparian improvement, wetlands regeneration and afforestation proposals. We get no benefit (value) for our indigenous forests (in our case a 1500ha contiguous ribbon of

indigenous biodiversity that has existed mai rano) that everyday is working and offsetting carbon emissions for free! We are not asking for carbon credits as dollars in the bank, but carbon credit of recognition that these indigenous trees are valuable, to counter the 1 BT perspective that diminishes their/our value in quantifying funding for improvements that will support and protect our biodiversity. By diminishing the value of these taonga tuku iho, that have a measurability to offset carbon emissions, which this biodiversity programme values, but 1BT does not value similarly is counter productive. Please fix this.

Background:

Te Orewai Te Horo Trust (Te Horo 2B2B2B) is an Whenua Māori Trust, under Māori Affairs (1953) S 438, located in Tai Tokerau, in the Whangarei and Far North districts, administering 7455 acres of whenua tupuna on behalf of our beneficial owners. Our landholdings are predominantly scrub and indigenous forest with some large areas of pasture.

We have a horrible history with Crown takings of our whenua as a part of the Tai Tokerau Development Schemes. December 1965 MLC amalgamated 62 blocks totalling 7127 acres to form one title – Te Horo. We are the largest Māori Development Scheme taken by the Crown, double all lands taken into the 23 Schemes across Northland. Only 2000 acres was ever developed by Māori Affairs in 20yrs they had the Te Horo Scheme, yet the balance was never returned to the original owners.

Te Horo Development Scheme – He Whenua Raupatu

“The scheme destroyed our people. It caused depression among our people. It did this because it challenged and changed everything we knew. It changed everything because everything that the Crown wanted meant that everything had to change. The Crown could not do what it wanted while we were still on the land, so the Crown tried it’s best to get us off the land. And it succeeded.” Brief of evidence Pierre Lyndon WAI 1520

We have a history of protest:

- 1960 – 66: 6 MLC cases were filed and 7 meetings of owners called to object
- 12 Petitions were organised by 1963 to the government and MLC against the Development Scheme
- Whanau petitioned MLC to have the lands where their homes were to be partitioned out of the Scheme. They had to pay for valuations, survey and court purposely delayed the partitions
- 31 homes were destroyed – bulldozed, burnt to the ground, or used as barns filled with hay and our people displaced

The Te Horo Development Scheme was never successful, for lack of investment and capability. 1986 the Crown returned our lands to our people forming the Te Orewai Te Horo Trust. Since that time our people have struggled to manage, build capacity and capability to manage a land block of this size.

We were whanau who lived on small holdings and raised our whanau, however after 26yrs of dislocation, loss and forced urban drift the Crown cut us loose to fend for ourselves without support nor compensation for the mess that the Te Horo Development Scheme was in the valley. We have 17 Waitangi Tribunal Claims on the Te Horo Development Scheme and its affects on our people and presented these claims before the Waitangi in August 2014 at Tau Henare Marae Pipiwai. We stand united as claimants and as a hapū of Hapū on the very real loss suffered at the hands of the Crown – our grievances remain unresolved.

Our Current Position – The Rebuild:

As current Trustees of Te Orewai Te Horo Trust we have the issue of large land rates and arrears (over \$100k), over the past 3yrs we have been working with Local Government to seek a means to clear our rates debts as we do not have any real income being generated from our whenua, as it stands.

Our current income is limited to grazing leases for 88ha of pasture which provides \$20,000 income annually, some honey being harvested from our whenua which is poached by Contractors placing hives beside and along our boundary fences to steal honey from our manuka.

We have recently completed feasibility – land use studies with OPUS to support us as trustees to better understand our land potential.

From the assessment provided we have a large percentage of native scrub – Manuka and Kanuka on our whenua with pockets of high quality pasture and low quality pasture. We have areas of wetlands and rivers which flow through our whenua which need further assessment.

We have further assessments being conducted to support us to understand potential farming, horticulture and apiculture opportunities.

We have kainga on our whenua with whanau under Licence to Occupy with a desire for more whanau to come home and build on their whenua tupuna.

Our Submission on the Proposed NPS Indigenous Biodiversity:

Te Orewai Te Horo Trust (“The Trust”) supports the broad objectives of the draft NPS to protect our indigenous biodiversity. As Māori Landowners, Whanau and Hapū – we are kaitiaki and working together to be responsible stewards of our whenua tupuna tuku iho, as each succeeding 20 generations with 500 years of occupation and settlement on what is known as Te Orewai rohe whenua, have done before us and we expect to continue after us, in spite of programmes to alienate us from our whenua, and will continue to be.

However, we object to the proposed NPS on the following matters of significance:

1. He Whakapūtanga me Te Tiriti o Waitangi – as Nga Hapū Ngapuhi we did not cede our sovereignty to the Crown, as affirmed by the Waitangi Tribunal in the Stage One Report of the WAI 1040 Inquiry Te Paparahi o Te Raki, in which Hapū was a key informant. As kaitiaki of these sacred Kawenata we provide our submission on this basis
2. Invisible Māori input into the Draft NPS – we cannot see any meaningful Māori input into the design of the NPS. We uphold the mana of all tangata whenua groups to represent themselves and their local interests and concerns regarding their whenua tupuna, their mana motuhake and tino rangatiratanga. The NPS undermines our ability to exercise our rangatiratanga over our lands, assets and taonga
3. WAI 262 – We see the NPS as undermining the recommendations of WAI 262. We see no protection of our Mātauranga Māori in the NPS, in fact it empowers Local Government to even assess environmental effects to include Mātauranga Māori yet there is no clear mechanism to demonstrate how tangata whenua are a part of the co design, co monitoring and co implementation of these new assessment tools that could potentially commercialize our Mātauranga in the process. Mātauranga Māori is not a commodity to be hawked by central

and local governments. It is unique to each rohe, hapū and whanau – we support the right of mana whenua to be the only holders, experts practitioners and custodians of this Matarauranga. We cannot see clearly how Māori are to be included in any of this part of the design, implementation, evaluation/ monitoring.

4. Te Tiriti o Waitangi – we cannot see any Te Tiriti o Waitangi references in the draft NPS – rather the reference to our whakatauki “Hutia Te Rito o Te Harakeke” this is perplexing as tangata whenua how the extraction of a very important whakatauki to Māori which is quoted in WAI 262 now is used by the Crown to supersede Te Tiriti o Waitangi. We required Te Tiriti o Waitangi articles to be reflected in a redrafted NPS with our input throughout, not at the end of the process as we are experiencing now. Leaving us to be “consulted” as a general “stakeholder” is offensive
5. Further Prejudice – Te Orewai Te Horo Trust has been prejudiced by the Crown through the raupatu of our whenua, the return with nil compensation nor capacity building to manage such a large block of whenua Māori. Our lands are undeveloped. We want to develop them and optimize use for the betterment of our beneficial owners. The draft NPS will undermine and undercut these efforts as well over half of our lands are scrub and native bush – our lands will be locked up from potential mixed land use – without our consent? This is potentially another contemporary breach of our rights over our whenua. We object to the NPS on the basis that it disincentivises landowners to tiaki their indigenous bush and could see a mass clearance of native bush as seen in the 1990s to “beat” the implementation of the NPS if it goes ahead.
6. The NPS does not reflect the articles of Te Tiriti o Waitangi and does not show any commitment to He Whakaputanga therefore undermining our Rangatiratanga as mana whenua to look after, manage and administer our land assets according to our tikanga. We are intergenerational, we are committed to the retention of our whenua and we WILL NOT allow another act of the Crown to seize control by regulatory stealth as happened with the seizure and amalgamation of our whenua under government policy and regulation, nor undermine our efforts to utilise our lands of Te Orewai Te Horo Trust according to our own kaupapa and aspirations. Stop telling us what to do with our whenua, you have no evidence of protecting our whenua and biodiversity, but have a mountain of evidence of doing the opposite, destroying the fabric of our hapūtanga, our 20 generations of kaitiakitanga whakapapa to protect the whenua, our ngāhere and awa that we are working hard (with little resource and mostly voluntary mahi) to recover.

We require the draft NPS Indigenous Biodiversity to be withdrawn immediately, or that the Crown commits to resourcing a full redraft of the NPS which empowers mana whenua to be a part of its co design from the outset. Te Orewai Te Horo Trust affirms we are not stakeholders, rather we have a partnership relationship with the Crown (that was begrudgingly signed by our tupuna, Te Ruki Kawiti, for his fears of this reality) and you as the Ministry for the Environment through He Whakaputanga me Te Tiriti o Waitangi, must HALT your actions to respect our voice and rights as mana I te whenua in our rohe. We do not consent to the draft NPS as it stands.

Signed:



Delaraine Armstrong

Chair Te Orewai Te Horo Trust

13 March 2020