SUBMISSION BY TE RUNANGA NUI O TE AUPŌURI TRUST ON THE
PROPOSED REGIONAL COASTAL PLAN:
KERMADEC AND SUBANTARCTIC ISLANDS

31 MARCH 2011

INTRODUCTION

1. This submission is made by Te Runanga Nui o Te Aupōuri Trust ("the Submitters").

2. The submitters wish to be heard on this submission.

3. The contact details of the Submitters are:

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   Administrator
   Te Runanga Nui o Te Aupōuri Trust
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BACKGROUND

4. Te Aupōuri are one of the five iwi of Muriwhenua/Te Hikū o te Ika in the Far North. The iwi of Te Aupōuri have their primary base at Te Kao at the southern end of the Pārengarenga Harbour, with Te One-roa-a-Tōhē (Ninety Mile Beach) to the west and Tokerau (Great Exhibition Bay) to the east.

5. Te Aupōuri describe the area in which they have customary rights and associations, of varying types and nature, as running from Ngāpae in the southwest, east to Ngātū and Waipapakauri Stream, north to the mouth of the
Rangaunu Harbour, to Motu-puruhi & Te Rākau-tū-hakahaka (Simmonds Islands) and Muri-motu (North Cape), west to Te Reenga Walrua (Cape Reinga), encompassing Oromaki, Manawa-tāwhi, Moe-kawa and Ohau (Three Kings Islands), south to Motu-o-Pao (Cape Maria van Diemen), to Kahokawa (Scotts Point), Matapia, Waka-te-hāua (The Bluff), Hukatere and back to Ngāpae. Te Aupōuri also maintain an association to Rangitāhua (Raoul Island in the Kermadec Islands).

6. Rangitāhua is especially significant to Māori in that it served as one of the only stop-over points that allowed migratory waka to make the long and dangerous journey between the Cook Islands and Aotearoa. Rangitāhua is especially significant to Te Aupōuri and other Muriwhenua iwi who descend from those members of the crew of the Kurahaupō waka who occupied Rangitāhua for a period of time.

7. The Kurahaupō is one of the principal waka from which the iwi of Te Aupōuri descend. Oral tradition as told by Te Aupōuri kaumātua and kuakīia is that on its way to Aotearoa the lashings of Kurahaupō were loosened and the canoe damaged and the vessel was nearly wrecked at Rangitāhua (Kermadec Islands). Most of the crew were later brought on to Aotearoa by the larger Aotea and Mataatua canoes, but a few of the crew remained at Rangitāhua where they repaired the Kurahaupō before continuing their journey to Aotearoa. After much hardship those who had remained at Rangitāhua made landfall and the circumstances of that event are well ingrained in oral tradition. The captain of the Kurahaupō from Rangitāhua to Aotearoa was a man named Pōhurihanganga. On arrival in Aotearoa Pōhurihanganga married a woman named Maleke. Their descendants include well known ancestors like Tōhē and Te Kura who are in turn tupuna of Te Kanui and his wives, Tihe and Kohine, from whom the iwi of Te Aupōuri descend.

8. A whakapapa is set out on the following page.
9. Te Runanga Nui o Te Aupōuri Trust is the mandated iwi organisation and post settlement governance entity for Te Aupōuri. The Trustees of Te Runanga Nui o Te Aupōuri Trust also hold the mandate to negotiate with the Crown for the settlement of the historical Treaty claims of Te Aupōuri iwi.

10. An amended Trust Deed for Te Aupōuri Fisheries Trust was executed on 31 January 2011 which changed the name of the Trust to Te Runanga Nui o Te Aupōuri Trust and expanded the role and functions of the Trust. The creation of Te Runanga Nui o Te Aupōuri Trust is part of a process to create a single iwi authority for Te Aupōuri and the intention is that the other Te Aupōuri entities will be wound up as soon as is practicable.
SUMMARY OF CONCERNS

11. The submitters have a number of concerns about the Proposed Regional Coastal Plan for the Kermadecs and the Subantarctic Islands. These concerns relate to three main issues:

11.1 The timing of the notification of the Proposed Regional Coastal Plan given that Te Aupōuri is currently in historical Treaty settlement negotiations with the Crown in which the recognition of the association between Te Aupōuri and the Kermadecs has been recognised;

11.2 The failure to recognise the connection between Te Aupōuri and the Kermadecs in the summary of Cultural and Historic Heritage Values in the Kermadec Islands at page 18 of the Proposed Regional Coastal Plan and the failure to include any information regarding the Māori values of the Kermadec Islands; and

11.3 The lack of any meaningful recognition or provision of the relationship between Te Aupōuri and the Kermadecs in the policies set out at paragraphs 23 and 24 of the Proposed Regional Coastal Plan.

12. The submitters will outline each of these concerns in greater detail below.

SUBMISSIONS

Timing of Notification

13. Te Aupōuri are currently in negotiations with the Crown in relation to the settlement of their historical Treaty claims. Part of these negotiations include negotiations with the Department of Conservation in relation to the management of public conservation lands in the Te Aupōuri area of interest.

14. Te Aupōuri consider that it was premature for the Department of Conservation to notify its Proposed Regional Coastal Plan prior to the conclusion of these
negotiations. The negotiations are proceeding well and it is hoped that an agreed redress mechanism will be developed shortly with a Deed of Settlement to be initialsed in mid/late-2011. The submitters also note that although the Department of Conservation is required to prepare a Regional Coastal Plan for the Kermadec Islands, the Department has been under this obligation since July 2003 and there seems to be no reason why the Regional Coastal Plan should be notified now when it has not been done in the past and given the current status of negotiations with Te Aupōuri.

15. This issue was raised with the Department of Conservation prior to notification of the plan but the Department chose to proceed, despite the concerns of the iwi, stating that there will not be any prejudice to the interests of the submitters. The submitters do not accept the Department’s response and consider that they have suffered prejudice from the Department’s actions because they have been forced to participate in the submission process for the Proposed Regional Coastal Plan including the costs of preparing a formal submission, providing an oral submission and taking part in any mediation/further discussions with the Department of Conservation. The submitters are already heavily involved in the historical Treaty settlement negotiations in which the same issues are being discussed and to be required to participate in two parallel processes is an unnecessary cost to both the submitters and the Department of Conservation.

16. Furthermore, if the Treaty settlement negotiations results in redress over and above what is provided by the Proposed Regional Coastal Plan changes will be required to it. The submitters note that the Department has indicated that it is prepared to undertake a plan change in response to Treaty settlement legislation. However, this would be expense would not be incurred if the Proposed Regional Coastal Plan had simply awaited the outcome of the current negotiations.

Cultural and Historic Heritage Values/Lack of Māori Values

17. The submitters note that the summary Polynesian settlement at page 18 of the Proposed Regional Coastal Plan appears to suggest that Raoul Island is not Rangitāhua and that this is a misconception based on the writings of Lieutenant
Colonel Gudgeon. This summary is inaccurate and fails to record the importance of Rangitāhua to the Maori people, and Te Aupōuri in particular, despite the fact that this connection has long been recognised by the Department of Conservation in the course of Treaty Settlement negotiations.

18. In particular, the redress offered to Te Aupōuri through the Treaty settlement negotiations includes the erection of pou at Rangitāhua Island. The submitters also note that previous Department of Conservation publications have also acknowledged the oral and traditional history of Te Aupōuri and other iwi. The Proposed Regional Coastal Plan itself even includes a statement at page 33 that "the regional coastal plan acknowledges the special relationship between tangata whenua such as Ngāti Kuri and Te Aupōuri, have with Rangitāhua and the other offshore Kermadec Islands".

19. The submitters submit that the second paragraph of this summary commencing "Many of the traditional accounts..." and concluding with the sentence "A fuller account..." should be removed from the Regional Coastal Plan and that the Department of Conservation should negotiate with Te Aupōuri and the other iwi with an association with Rangitāhua to agree a summary of the Maori Values of the Kermadec Islands similar to that set out at pages 10 to 11 regarding the Maori values of the Subantarctic Islands.

*Failure of policies to give meaningful recognition and protection of relationship/Values*

20. The submitters consider that the policies set out at paragraph 23 and 24 completely fail to recognise and provide for the relationship and values of Te Aupōuri with the coastal marine area of the Kermadecs in a manner reflecting their status as tangata whenua. The obligations are minimal only and fall short of the mechanisms through which the Department of Conservation will engage with Ngāi Tahu ki Murihiku. In addition, paragraph 24 refers to sites identified in the Plan as being of significance to tangata whenua but no such sites in the Kermadecs are identified in the plan.
21. As discussed above, Te Aupōuri are currently negotiating with the Department of Conservation in relation to their ongoing relationship post settlement. When these negotiations have been concluded the relationship redress agreed is likely to determine the appropriate policies to be set out in the Regional Coastal Plan. However, until that time at a minimum Te Aupōuri should be given the same recognition and level of engagement as that provided for Ngāi Tahu ki Murihiku in relation to the Subantarctic Islands.

CONCLUSION

22. In summary, the submitters seek the following amendments to the Proposed Regional Coastal Plan:

22.1 The removal of the second paragraph of the summary of Polynesian settlement on page 18;

22.2 The negotiation and inclusion of a new section outlining the Māori Values of the Kermadec Islands;

22.3 The amendment of policies set out at paragraph 24 to include the policies set out at paragraphs 25 and 28 with any necessary amendment as agreed between the Department of Conservation and Te Aupōuri.