

Tangata Whenua

Te Rūnanga o Ngāi Tahu are tangata whenua of Kaikōura and hold customary tribal authority over an area (rohe) which includes all of the Kaikōura District.

Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu Whanui, a body corporate established on 24 April 1996 under section 6 of Te Rūnanga o Ngāi Tahu Act 1996 (the “TR Act”). S5 of the TR Act also describes the takiwa (area) of Ngāi Tahu Whanui, which includes the entire Kaikōura District.

Section 15(1) states:

Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whanui

Section 15(2) states:

Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whanui, be held with Te Rūnanga o Ngāi Tahu.

The TR Act therefore makes Te Rūnanga o Ngāi Tahu the people with whom to consult for all resource management matters requiring consultation arising from the Kaikōura District Plan and the Resource Management Act 1991.

Te Rūnanga o Kaikōura is the kaitiaki Papatipu Rūnanga for the Kaikōura District. A brief pre-European history of the Kaikōura District is given below.

Relationship with the Te Rūnanga o Ngāi Tahu

The Resource Management Act contains specific obligations in relation to the Treaty of Waitangi and Māori interests. The Act identifies, as a matter of national importance, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The Act requires that all persons working to implement its purpose take into account the principles of the Treaty of Waitangi. This implies not only that consultation be undertaken, but that as the Treaty partner, full recognition be given to Te Rūnanga o Ngāi Tahu as guardians (kaitiaki) of many natural resources. Kaitiakitanga is the term used in the Act. It means the exercise of guardianship and includes the ethic of stewardship.

To the Ngāti Kuri (sub-tribe of Te Rūnanga o Ngāi Tahu and the tangata whenua of Kaikōura) this guardianship applies to all of their waahi taonga (treasured places) and is an integral part of their culture. Kaitiakitanga has relevance to the Kaikōura District Plan because the district possesses both general and particular waahi taonga of importance to Te Rūnanga o Ngāi Tahu. Through consultation with Te Rūnanga o Ngāi Tahu, a system must be developed by which a practical application of kaitiakitanga can be made for the Kaikōura District.

In relation to the District Plan, the most significant principle of the Treaty of Waitangi is that of partnership. An integral aspect of this is the Council's obligation to consult with local Māori to achieve an on-going working relationship between the Treaty Partners - local government and Te Rūnanga o Ngāi Tahu. The Council must also have regard to the Treaty principle of actively protecting the ability of Māori people to use their traditional resources. This will be achieved by incorporating Te Rūnanga o Ngāi Tahu involvement in the decision-making process relating to those natural resources important to them.

Ongoing information and decision sharing between Te Rūnanga o Ngāi Tahu and Council representatives will ensure the principles of the Treaty of Waitangi are clarified and given the recognition required by the Resource Management Act. To this end the Council is undertaking consultation with Te Rūnanga o Ngāi Tahu who have a customary responsibility for the area including Kaikōura District.

Tangata Whenua Interests

Tangata whenua have cultural, spiritual, historic and/or traditional association with, and customary rights to the land and resources of the Kaikōura District. The District has an extensive history of Māori settlement, particularly in the coastal areas where food resources were abundant. In the early 1800's the District supported a Māori population thought to number as many as 5000 people. Consequently, there are many places throughout the District which have been used and occupied by tangata whenua. The area is spiritually and culturally important to tangata whenua, who have specific concerns for the integrity of the District's natural environment.

Recognition of Tangata Whenua Interests

The Act contains specific responsibilities in relation to the Treaty of Waitangi and Māori interests. These are stated and their implications discussed in the "Introduction" section.

Areas of concern to the tangata whenua include:

- recognition of the rights of the tangata whenua to be involved in all aspects of natural and resource management in the District, including ongoing involvement in decision making processes;
- identification and protection of those natural and physical resources of importance, such as coastal and inland waterbodies and areas of indigenous vegetation;
- protection and, where necessary, restoration of the overall integrity of the District's natural environment;
- protection of traditional food gathering sites (mahinga kai) from any use or development which may threaten the values of these areas, in particular avoidance of waterbody contamination by human and animal wastes;
- protection and, where necessary, restoration of continued access to mahinga kai;
- protection of culturally significant sites and areas, such as urupā (burial sites), occupancy sites.

Many of the issues identified in relation to tangata whenua overlap with general concerns regarding the quality of the environment, especially in relation to water quality and access to waterbodies. These concerns show that there is much common ground shared between Māori and many non-Māori in the District.

Partnership Objective

In recognition of the statutory provisions of the Resource Management Act, including the principles of the Treaty of Waitangi, the Council will pursue the following objective:

Effective partnership between the Council and Te Rūnanga o Ngāi Tahu through its kaitiaki Papatipu Rūnanga, Te Rūnanga o Kaikōura, in the management of the District's natural and physical resources in recognition of the principles of the Treaty of Waitangi, the relationship of the tangata whenua and with their ancestral lands, water, sites, waahi tapu, and other taonga, and in accordance with kaitiakitanga.

Policies

TW-P1	Develop ongoing consultation system
To develop a system of on-going consultation with Te Rūnanga o Ngāi Tahu through its kaitiaki Papatipu Rūnanga, Te Rūnanga o Kaikōura, relating to all resource management responsibilities of the Council with which the tangata whenua have a particular interest.	

TW-P2	Provide for tangata whenua involvement in Council resource management decision processes
To provide for tangata whenua involvement in the Council's decision-making process regarding resource management issues within the District by having representation on Council Committees. Particular regard will be given to Statutory Acknowledgment Areas and Tribal properties.	
TW-P3	Recognise and provide for sites of past Māori occupation and use
To recognise and provide for those sites of past Māori occupation and use in the District and implement procedures for tangata whenua involvement regarding any proposed excavation or construction in and around those identified areas, or in the case of the discovery of any burial sites or Māori artefacts.	
TW-P4	Maintain and enhance tangata whenua access and use of natural resources and taonga
To maintain and enhance tangata whenua access to and use of the District's forests and significant waterbodies, wetlands, high country and coastal areas, having regard to their status as taonga, and traditional importance as sources of mahinga kai.	

Explanation and Reasons

On-going consultation and shared decision making between the tangata whenua and the Council will ensure that the principles of the Treaty of Waitangi are given due recognition in the District.

The protection of sites of past Māori occupation and use for their cultural and archaeological values will be achieved by putting into place appropriate mechanisms for the tangata whenua to be involved in the identification and management of these sites. This also applies throughout the District to areas recognised as taonga or as sources of mahinga kai to the tangata whenua, where Te Rūnanga o Kaikōura has the status of kaitiaki (guardians) of these areas, features and resources.