

Draft Biodiversity Collaborative Group Paper

Te Kahu o te Taiao

June 2018

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2 Introduction

Hutia te rito o te harakeke, kei whea te korimako e ko?

Ka rere ki uta, ka rere ki tai.

Ki mai koe ki au, he aha te mea nui i te ao?

Maku e ki atu, He tangata! He tangata! He tangata!

If you pluck out the flax shoot, where will the bellbird sing? It will fly inland, it will fly seawards. If you ask me, what is the most important thing in the world? I will reply, People! People! People!

This whakatauki, famous amongst tangata whenua, has a myriad of meanings and the use of harakeke as a metaphor is a common one recognising its importance to hapu and iwi across Aotearoa. It opens this paper to provide a framing to the subject of taonga, in this case, taonga species, indigenous ecosystems and their fundamental importance to each hapu and iwi of Aotearoa.

Joan Metge further explains this whakatauki,

“Each flax bush (pa harakeke) consists of many swordlike blades growing in fans. New shoots (rito) emerge between the two centre blades in each fan. Maori identify each shoot as ‘he tamaiti’ (a child) and the two blades between which it grows as ‘nga matua’ (the parents). The flax bush is a favourite Maori metaphor not just for the parent-child family but for the larger family group, the whanau. Note that flax fans grow not singly but together in a clump; their roots are so intertwined that they stand or fall together. The rito is the growing point not only of the fan but of the whole bush. Weavers cutting flax always take the outer leaves of a fan, leaving the central three: to remove the rito is to destroy the whole fan. If the bush stops growing and fails to put out flower stalks, there will be no flowers full of nectar to attract the bellbird and give it cause to sing. Instead it will fly distractedly between land and sea, searching for somewhere to perch and feed. If the whanau ceases to produce and nurture children, it too will die. The saying concludes with the strongest possible affirmation of the value of people and thus of the whanau which produces and nurtures them. (Tangata is an inclusive term embracing both sexes and all ages.)”¹

This whakatauki embraces the connection that tangata whenua hold close regarding the knowledge that without caring for the taonga, without using matauranga Maori to frame the relationship one has with taonga species, the taonga will die, and the interconnected ecosystems will also die. It is a succinct way of demonstrating the web of interconnectedness that hapu and iwi intimately

¹ <https://ojs.victoria.ac.nz/jnzs/article/viewFile/471/381>

understand, passed down through thousands of years of scientific observation and whakapapa, and is still essential in the management and enhancement of the *mauri* of indigenous ecosystems today.

2.1 Purpose of this Paper

This paper has been commissioned by the Biodiversity Collaborative Group from Te Kahu o te Taiao, the Mātauranga Māori roopu of the Iwi Chairs Forum.

The Biodiversity Collaborative Group (the BCG) is a stakeholder-led group that has been funded by the Minister for the Environment to develop national-level policy for indigenous biodiversity (native plants and animals and their ecosystems) in New Zealand. The terms of reference state the following purpose:

“To ensure that Aotearoa/New Zealand’s unique biodiversity is protected and supported to thrive through the collaborative efforts of iwi, landowners, stewards, the Government and advocates.”

The Group is working to develop a draft National Policy Statement on Indigenous Biodiversity (NPS) and will also report to the Government on appropriate complementary and supporting measures. The Group's process is anticipated to run over 18 months, from March 2017 until around August 2018. The Group is drawing on expertise from government departments, tangata whenua, landholders, infrastructure providers, environmental groups and others to ensure it has a robust evidence-based approach to policy with outcomes that are inclusive, effective and enduring.

Te Tiriti o Waitangi, Mātauranga Māori and Kaitiakitanga should be integral to the draft NPS on Indigenous Biodiversity and its related complementary and supporting measures. Adopting Mātauranga Māori as a means of protecting and enhancing the *mauri* of taonga species requires clear policy direction to drive implementation through RMA plans (regional and district) and collaborative action.

This paper seeks to address the following key matters of advice sought by the BCG.

- How may a National Policy Statement on indigenous biodiversity focused on section 6(c) of the RMA (the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna) recognise and provide for other relevant section 6 matters, specifically:
 - the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga); and
 - the protection of protected customary rights
- have particular regard to relevant section 7 matters, including kaitiakitanga; and
- take into account the Treaty of Waitangi (s8).

- This may include specific direction for district and regional Councils in undertaking their functions under sections 30 and 31 of the RMA respectively.
- Recommended NPS provisions and methods for inclusion in the complementary and supporting measures (e.g., examples of effective provisions from current RMA plans).
- The inter-relationship between Mātauranga Māori and western science on biodiversity, in particular for the purposes of:
 - identifying areas of significant ecological value, including significance criteria; and
 - biodiversity outcome monitoring at a rohe/district/regional and national scales.
- How to recognise and provide for Mātauranga Māori in the identification of significant ecological areas.
- The extent to which it is necessary or desirable to make specific provision when considering the protection and management of biodiversity values for:
 - cultural harvest
 - the development of Māori land
- If so, what approaches are preferred and what if any safeguards are necessary?
- The perceived utility and opportunities created by economic tools and environmental markets such as payment for ecosystem services, biodiversity offsetting and environmental compensation e.g., for addressing the development of collectively owned Māori land that has high biodiversity values.
- Opportunities within the Terms of Reference of the Biodiversity Collaborative Group to give effect to Wai 262, in particular those recommendations set out in section 3 of the Tribunals report – relationship with the environment.
- How to incorporate Mātauranga Māori into a draft NPS and complementary and supporting measures at every level i.e., from the statement of values and guiding principles to identification of issues, outcomes, objectives, policies and methods (regulatory and non-regulatory). This advice could include guidance on relationships and process such as partnering, engagement and exercise of rangatiratanga (including resourcing).

3 The Iwi Chairs Forum

The Iwi Chairs Forum (ICF) is an informal grouping comprising the Chairpersons of Iwi across the motu. The ICF was established as a platform for sharing knowledge and information between Iwi and operates through quarterly hui that are hosted at different marae throughout the motu. As of November 2017, there are approximately 74 Iwi involved in the ICF, although an open invitation exists for all Iwi to participate in, and contribute to, the ICF.

The ICF vision statement is guided by the whakataukī:

He waka kōtuia kāhore e tukutukua ngā mimira

A canoe that is interlaced will not become separated at the bow.

By this whakataukī, we mean that through unity, through sharing and working together, we will honour our past and create a better future for whānau, hapū, and iwi. The ICF's work is organised under four pou: Pou Tangata, Pou Tahua, Pou Tikanga, and Pou Taiao. Its primary focus is enabling Māori aspirations in cultural, social, economic, environmental, and political development whilst retaining the mana and autonomy of individual Iwi to advance their own aspirations.

The first ICF was convened in 2005 by Te Rūnanga o Ngāi Tahu at Takahanga Marae in Kaikōura. Since then, the ICF has met regularly to share knowledge and information between the tangata whenua of Aotearoa. Its primary focus is enabling Māori aspirations in cultural, social, economic, environmental, and political development. Initially a number of Iwi Leaders Groups (ILG) were established from the membership of the ICF. The ILGs provide a focused means of direct engagement between Iwi and the Crown on matters of mutual interest and concern. Each ILG convened national and regional hui with Iwi and hapū around the motu as required, and sought direction from, and report to, the ICF at its quarterly hui.

3.1 Pou Taiao Iwi Leaders Group

In 2017, the Freshwater ILG was amalgamated with all other natural resource ILGs to form the Pou Taiao ILG. The kaupapa in the Pou Taiao ILG include climate change, freshwater, conservation, biodiversity, biosecurity, oil and minerals, and Te Kahu o te Taiao (mātauranga Māori in relation to taiao). The current membership of the Pou Taiao ILG is:

- Selwyn Parata (Ngāti Porou) Chair
- Tā Tumu Te Heuheu (Tūwharetoa)
- Tā Toby Curtis (Te Arawa)
- Gerrard Albert (Whanganui)
- Lisa Tumahai (Ngāi Tahu)
- Rukumoana Schaafhausen (Waikato-Tainui)
- Mook Hohneck (Ngāti Manuhiri)
- Rahui Papa (Ngāti Korokī Kahukura)

- Harry Burkhardt (Ngāti Kuri)
- Debbie Packer (Ngāti Ruanui)
- Vanessa Eparaima (Raukawa)
- Ngahiwi Tomoana (Ngāti Kahungunu)
- Butch Little (Ngāti Tama ki Te Waipounamu)
- John Bishara (Tūwharetoa).

A diagram of the relationship between the ICF, the Pou Taiao ILG and other Pou is set out below. The Pou Taiao ILG is supported in its engagement by a team of Iwi and technical advisors and its engagement with the Crown occurs at two levels:

- at a leadership/governance level between the members of the Pou Taiao ILG and senior Ministers of the Crown; and
- at a technical level between the members of the Pou Taiao Iwi and technical advisors and Crown officials.

3.2 Te Kahu o te Taiao

In 2017, the Pou Taiao Iwi Leaders Group worked closely with Ministry for the Environment (MFE) officials regarding the drafting of the National Policy Statement Freshwater (NPS-FW) and the inclusion of Te Mana o te Wai (TMOTW) as an overarching lens through which the NPS-FW was to be understood.

As a result of these inclusions, it became clear that subsequent work, detailed through the National Objective Framework (NOF) required clarification to all parties using the NPS-FW on how to give effect to TMOTW.

In March 2017, a Project Team was established through Pou Taiao to progress the development of cultural attributes for inclusion in the NOF and to provide recommendations as to supporting and complementary measures to strengthen the implementation of the NPS-FW.

Te Kahu o Te Taiao - Iwi Science Panel (TKOTT) was established to assist the work programme and to provide expertise at the interface of Mātauranga Māori, policy planning and science.

This group has continued to be engaged in providing an advisory capacity when requested in regards to matauranga Maori and this work has extended to two further projects, one is this paper for the BCG and the other was work for ESR in the standards for drinking water.

All members of TKOTT have been nominated by their iwi authority to be members of the roopu. Invited to attend a hui for this kaupapa was Matauranga Maori and Biodiversity expert, Garth Harmsworth (Te Arawa, Ngati Tuwharetoa).

The current members are;

- Pia Pohatu (Ngati Porou)

- Ian Ruru (Rongowhakaata)
- Dr Adele Whyte (Ngati Kahungunu)
- Norman Hill (Waikato-Tainui)
- Craig Pauling (Ngai Tahu)
- Nicole Hodgson (Ngati Tuwharetoa)
- Holden Hohaia (Ngati Maru)
- Goldie Akapita (Ngati Rangi)
- David Milner (Ngati Rangi)
- Leane Makey
- Rebecca Clements (Ngai Tahu)
- Dayle Hunia (Ngati Awa)
- Tina Porou (Ngati Porou)

3.3 Methodology

Two wananga were held with Te Kahu o te Taiao, the first on the 23rd of April 2018 in Taupo and the second on the 21st of May 2018 in Napier. Both workshops were specifically focused on workshopping the questions posed by the BCG.

Fundamental to the wananga were some key concepts that frame the recommendations made later in this paper. The next sections seek to provide some clarity on these and how they subsequently link to the wider perspectives of Te Kahu o te Taiao on biodiversity.

4 Te Ao Maori

4.1 Whakapapa

Kei raro I nga tarutaru

Ko nga tuhinga o nga tupuna

Beneath the herbs and plants

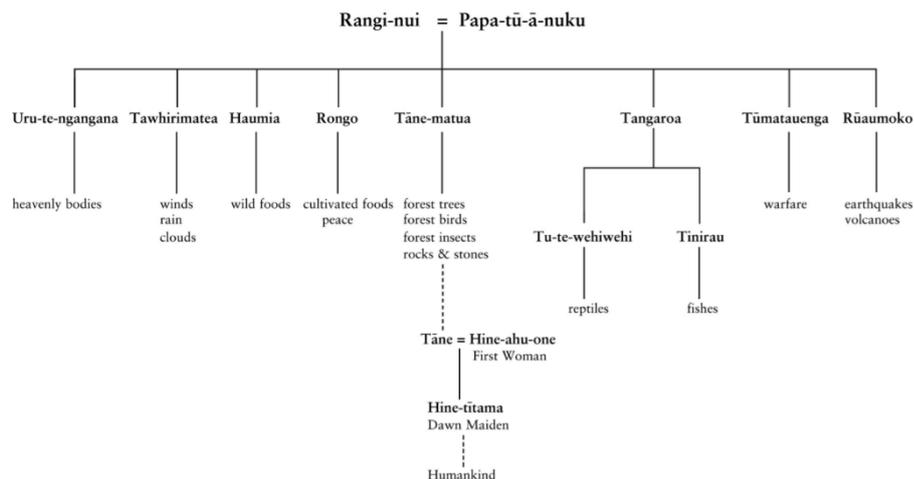
Are the writings of the ancestors

This whakatauki, taken from the BCG working paper is an apt description of the deep connection that tangata whenua has with the natural environment. This connection defines the mutually beneficial and mutually dependant relationship that hapu and iwi have with taonga ecosystems.

Whakapapa is the physical connector between all indigenous ecosystems, inclusive within this genealogical connection is tangata whenua, not separate or over the collective web of familial ties,

but a part of. As Rawiri Taonui states, “Whakapapa is genealogy, a line of descent from ancestors down to the present day. Whakapapa links people to all other living things, and to the earth and the sky, and it traces the universe back to its origins.”²

When looking at the whakapapa of all things through creation from a tangata whenua paradigm, we can see the links. The diagram³ below, adapted and abbreviated from Best, 1982; 1995, demonstrates where tangata whenua fall in the hierarchy.



Whakapapa therefore creates a clear line of connection, one that is recited through oral history, which is sung about in tribal songs and etched in the lines of whakairo on ancestral meeting houses. This whakapapa then is the breeding ground for whanaungatanga, or the action and responsibilities of being whanau with one another. It is taught to our children in our homes and our kura kaupapa and builds a culture of Manaaki, or loosely translated, into looking after, caring for, or showing respect or kindness for our cousins of the natural world. Whakapapa is core to the rights and responsibilities that tangata whenua feel for the indigenous ecosystems and from this stems kaitiakitanga and a wider recognition of mauri as the core life essence which all children of Rangi and Papa carry.

It reaches to the central identity of tangata whenua, as we express who we are in each of our pepeha, for example,

Ko Hikurangi te maunga, ko Waiapu te Awa, ko Ngati Porou te iwi

Hikurangi is my mountain, Waiapu is my river, and Ngati Porou is my tribe

² <https://teara.govt.nz/en/whakapapa-genealogy>

³ <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.424.5124&rep=rep1&type=pdf>

There is a clear hierarchy and the personification of tribal landmarks demonstrates how important the geography which shape people is given in their personal and collective identity.

4.2 Mauri

Hirini Moko Mead, in his work, Tikanga Maori has this to say of Mauri,

“Every living thing has a mauri and, in fact we go one step further and say a forest is a living thing, so is a meeting house, and even a rock”.

Mauri is the inherent life force in any thing within our Taiao. This Mauri can be degraded, and it can be enhanced, it is impacted by changes within its environment and is a fundamental principle of tikanga Maori. In recent times the measurement of Mauri, by tangata whenua has been necessary as the perceived failures of western science to adequately protect our natural environment. Mauri is an important measure of taonga ecosystem health and well-being, a measure which is holistic and looks at the relationships between land, water and living species. Not a siloed representation of biodiversity health, but one that is fluid and alive.

Manuka Henare describes Mauri,

“Mauri is a concentration of life itself, like the centre of an energy source, and, because of its power and energy, its purpose is to make it ‘possible for everything to move and live in accordance with the conditions and limits of its existence’. Everything has its own mauri, its own nature-people, tribe, land, mountains, stones, fish, animals, birds, trees, rivers, lakes, oceans, thoughts, words, houses, factories- that permits these living things to exist within their own realm and sphere. All mauri may be violated, abused, or diminished through neglect or attack. Thus, trees and plants, rivers, lakes and oceans may not produce in limitless abundance. Fruits would be scarce, there would be fewer birds, animals or fish. From a Maori perspective, forests, rivers and oceans can have their mauri restored through rituals of conservation accompanied by appropriate ritual prayer forms and ceremonies. The restored mauri would ensure that depleted food supplies, such as fish, shell fish, or birds, would be abundant again⁴”.

Mauri will be essential to the establishment of an NPS that truly is based on mātauranga Maori.

4.3 Kaitiakitanga

The Reverend Maori Marsden in his writings on kaitiakitanga, stated that there are three key principles that come from a distinct Maori world view;

- humankind’s contribution is to enhance and maintain the life support systems of Papa-tū-ā-nuku ;

4

https://s3.amazonaws.com/academia.edu.documents/32588902/Manuka_Henare_Maori_Philosophy_Vitalism_Harvard_2001.pdf?AWSAccessKeyId=AKIAIWOWYYGZ2Y53UL3A&Expires=1529323001&Signature=jb6p6gMQNiTn8JsGtUpeRyDFc0Y%3D&response-content-disposition=inline%3B%20filename%3DManuka_Henare_Maori_Philosophy_Vitalism.pdf

- people should treat Papa-tū-ā-nuku with love and respect in recognition of her life-supporting function, her role in the creation of the natural world, and her place in our own whakapapa ; and
- we do not own Papa-tū-ā-nuku, but are recipients, and therefore stewards, of the natural environment.

These three principles are fundamental to the perspectives of this paper. As noted in the Ko Aotearoa Tenei, report on Wai 262, Kaitiakitanga is noted to be *“often translated as guardianship or stewardship. Generally speaking, this is a fair approximation, although it lacks the core spiritual dimension that animates the concept. In Māori tradition the ‘guardians’ or ‘stewards’ are, as often as not, supernatural beings. Kaitiakitanga is really a product of whanaungatanga – that is, it is an intergenerational obligation that arises by virtue of the kin relationship. it is not possible to have kaitiakitanga without whanaungatanga. In the same way, whanaungatanga always creates kaitiakitanga obligations.”*⁵

This is reiterated by Te Kahu o te Taiao, noting in their Mauri scale work of 2017 that one of the key characteristics of kaitiakitanga, and monitoring of mauri, is derived from whakapapa and only those who hold whakapapa of those particular iwi and hapu can be kaitiaki and be monitors of mauri.

4.4 Matauranga Maori

Mātauranga Māori can be defined as ‘the knowledge, comprehension, or understanding of everything visible and invisible existing in the universe’, and is often used synonymously with wisdom. In the contemporary world, the definition is usually extended to include present-day, historic, local, and traditional knowledge; systems of knowledge transfer and storage; and the goals, aspirations and issues from an indigenous perspective. This last part is key, only tangata whenua hold Matauranga Maori, these specific ways of knowing, are derived by lived experience.

For example, only those who have lived on the banks of the Tongariro River hold matauranga about that particular stretch of water. Many hapu and iwi may hold matauranga that pertain to rivers and waters, but only the hapu who hold mana whenua and mana wai can understand the matauranga for that place. This is derived from their whakapapa, their connection to the mauri of that place and the generations who have lived on its banks.

Eminent Māori scholar Dr Charles Royal describes Mātauranga Māori in this way: ‘he whakaatu, he whakamārama hoki i ngā ahuatanga o te Ao. Mā reira e mōhio ai te tangata ki te Ao, e mātau ai hoki ia ki ētahi whaingā, ki ētahi tikanga. He mea ako, he mea whangai’ (2008, p.37).

In short, Royal thinks about Mātauranga Māori as something that helps explain and enlighten us about different aspects of the world around us, and in that process, a person gets to know about and

⁵ https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68356054/KoAotearoaTeneiTT1W.pdf

understand some of the different purposes and meanings, some of the different ways of learning about his/her world that can be transferred from one person to another.

Mātauranga Māori provides insight into different perspectives about knowledge and knowing. The Māori epistemological penchant for trying to understand the connections and relationships between all things human and non-human first, 'what is its whakapapa?' provides a contrast to the western paradigm that tries to seek knowledge and understanding by a close and deep examination of something or someone in isolation first, 'what does it/he/she do? What is it for?' An initial question is, 'who or what is this thing I am seeing in this world and how do I relate to it?'

Western knowledge's initial question is, 'what is the role that this person or thing has?' In summary, the emphasis on the human element and the impact on the human element differentiates a Mātauranga Māori approach from a Western Pākehā approach.⁶

When discussing Mātauranga Māori, for example in the approach taken by Dr Gail Tipa in her work on the Cultural Health Index, questions are asked of the river and the person collecting data like, how does this river sound, how does it smell and feel?, this can be supported by a more quantitative approach but it is the deeper intersections of the indicators of mauri health, like that between the person and the awa, for example cultural use of mahinga kai, that are measured and not merely the siloed characteristics of the awa, like pH levels, clarity and turbidity.

5 Te Tiriti o Waitangi

It is not envisaged that this paper goes into any depth regarding the signing of Te Tiriti o Waitangi, however a key point to note is the ongoing conflict regarding the two translations of Te Tiriti o Waitangi and how this is reflected in this paper.

For tangata whenua, the Maori translation of the document is largely accepted as that which was signed by those tribes in 1840, not the English version. It has been the policy of the Iwi Chairs Forum to only refer to Te Tiriti o Waitangi and not the Treaty of Waitangi as the correct version.

Te Tiriti o Waitangi is seen as the constitutional founding document of Aotearoa and that which all laws are to be based upon in this country. Fundamental to that is the importance of having it given effect to in all decisions made by the Crown.

Later in this document specific discussions will be outlined in regards to its inclusion in the RMA and the influence that has in the drafting of this paper's recommendations in regards to the NPS on Biodiversity.

⁶ <https://kep.org.nz/assets/resources/site/Voices7-16.Matauranga-Maori.pdf>

6 Wai 262

The Waitangi Tribunal's [report](#) on the WAI 262 claim was released on 3 July 2011 and was commonly known as the “flora and fauna” claim. The WAI 262 claim addressed the ownership and use of Maori knowledge, cultural expressions, indigenous species of flora and fauna, all known as *taonga* (treasures), and inventions and products derived from indigenous flora and fauna and/or utilising Maori knowledge.

The claim was pan-tribal and its claimants represented a number of Maori *iwi* (tribes). It is also the Waitangi Tribunal’s first whole-of-government report, which considers the role of more than twenty government agencies.

The report – ‘*Ko Aotearoa Tenei*’ (“*This is New Zealand*”) – found that the Government had failed to comply with its obligations, under the Treaty of Waitangi, to ensure that guardian relationships between Maori and their *taonga* (their traditional knowledge and artistic works, and their culturally significant species of flora and fauna) were acknowledged and protected, and recommends that future laws, policies and practices do acknowledge and respect those relationships.

6.1 Section 3: Maori and the Natural Environment

This section of the tribunal’s report is key to the establishment of a NPS on Biodiversity that rightly puts the relationship of tangata whenua and taonga species at the core of any management frameworks.

It recommends a system capable of enabling kaitiakitanga and the management of taonga species. Te Kahu o te Taiao firmly support, these three outcomes being achieved through an NPS on Biodiversity.

- control by Māori of environmental management in respect of taonga, where it is found that the kaitiaki interest should be accorded priority;
- partnership models for environmental management in respect of taonga, where it is found that kaitiaki should have a say in decision-making, but other voices should also be heard; and
- effective influence and appropriate priority to the kaitiaki interests in all areas of environmental management when the decisions are made by others.⁷

Te Kahu o te Taiao has developed its recommendations with these outcomes in mind. Ko Aotearoa Tenei goes on to recommend how the RMA could be a tool to enable these and recommends;

- *Enhanced iwi management plans* : We recommend that the RMA be amended to provide for the development of enhanced iwi resource management plans ; that these plans be developed by iwi in consultation with local authorities ; that these plans identify iwi resource management priorities and opportunities for delegation of control to kaitiaki or establishment

⁷ https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68356054/KoAotearoaTeneiTT1W.pdf pg 112

of partnerships ; and that these plans be confirmed during a joint statutory negotiation process between iwi and local authority representatives, during which there may be compromise. We recommend that, once adopted, these plans have the same status under the RMA as any district or regional plan or policy statement as the case may be.

- *Improved mechanisms for delivering control:* We recommend that the RMA's existing mechanisms for delegation, transfer of powers, and joint management be amended to remove unnecessary barriers to their use. We recommend that local authorities be required to regularly review their activities to see if they are making appropriate use of sections 33 and 36B and be required to report annually to the Parliamentary Commissioner for the environment explaining why they made delegations or established partnerships in some circumstances and not in others. We also recommend that the Ministry for the environment be required to proactively explore options for delegations under section 188, and to report annually to Parliament on this.
- *A commitment to capacity-building:* We recommend that the Ministry for the environment commit to building Māori capacity to participate in RMA processes and in the management of taonga, and that this commitment should include providing resources to assist kaitiaki with the development of iwi resource management plans and assisting kaitiaki to develop the resources or technical skills needed to exercise their kaitiaki roles.
- *Greater use of national policy statements:* We recommend that the Ministry for the environment develop national policy statements on Māori participation in resource management processes, including iwi resource management plans, and arrangements for kaitiaki control, partnership and influence on environmental decision-making.

7 National Policy Statement

In the development of recommendations in regard to an NPS on Biodiversity, the work of the ICF on the NPS on Freshwater (NPSFW) has created a strong base through which to apply the aspirations of tangata whenua. This work and the work of Wai 262 leads the drafting of key policies and objectives for

A series of principles for managing fresh water were confirmed by all iwi represented at the National Iwi Freshwater Summit held 23-24 February 2012 at Hopuhopu. These have been integral in developing similar principals for the NPS Biodiversity.

Te Tiriti o Waitangi establishes the basis for iwi involvement in the management of taonga ecosystems. Iwi believe the current management framework and governance arrangements are not delivering the outcomes (including diversity and conservation outcomes) iwi or the community expect. To a large extent iwi are not effectively involved in the management of taonga ecosystems, and mostly participate on a reactive basis to resource consent applications.

The nature and extent of iwi rights and interests in taonga ecosystems are still to be recognised and resolved through the full implementation of the recommendations of Ko Aotearoa Tenei between the Crown and iwi. In the interim, iwi and hapu, continue to participate and support the development of recommendations for a future taonga ecosystems management framework, including options for new governance arrangements. This is inclusive of direct shared decision and management opportunities enabled through negotiations under the new Mana Whakahono a Rohe clauses in the RMA, section 36b and section 33.

The desire of iwi to be more effectively involved in the governance and management of taonga ecosystems has two principle drivers. Firstly, as kaitiaki, iwi have an obligation to protect the mauri of the natural environment for current and future generations.

Secondly, being effectively involved in the management of natural resources within their rohe reflects the tino rangatiratanga of each iwi, as guaranteed in Te Tiriti o Waitangi, by exercising mana whakahaere (rights, authority and control).

Iwi involvement in the management natural resource and environmental issues needs to be improved at all levels – nationally, regionally and locally. It is important to recognise there is unlikely to be a single ‘one-sized-fits-all’ solution and alongside the range of existing models, new thinking and models will also be required to meet the changing expectations of iwi (and the wider community), as well as changing governance structures and frameworks. The ongoing review of constitutional issues regarding local government, as well as broader ongoing constitutional reviews concerning the Crown/Māori relationship will also have an impact on the future governance and management of natural resources.

Specific challenges for iwi and the Crown in determining how to improve the effectiveness of iwi participation in the management of natural resources include:

- Clarifying the nature of the relationship between iwi and local government organisations
- Ensuring sufficient compulsion/incentives to ensure iwi are effectively involved in the governance and management of taonga ecosystems
- Providing adequate flexibility for iwi and governance agencies to develop solutions commensurate with the capacity of iwi and the governance group as well as the resources being managed.
- Providing a framework that enables the Māori worldview to be reflected in the outcomes of the decision making process. This includes an intergenerational approach to decision making and integrated and holistic management of the environment
- Building the capacity of both iwi and governance agencies to work together on delivering effective governance

- Ensuring governance arrangements are sustainable (including financially) and have the flexibility to evolve over time to meet changing circumstances and inline with developing capabilities and capacity
- Recognising the diverse range of interests' iwi have across the four well-beings of economic, environmental, social and cultural (i.e. Iwi interests are not just 'cultural')
- Developing efficient structures. Iwi, in particular, have a broad range of interests and often limited resources to respond to multiple requests for iwi input. Any governance structures developed between central or local government and iwi need to be as efficient as possible to maximise the use of iwi (and government/ratepayer) resources.

There is a range of existing models that provide varying degrees of involvement for iwi in the governance of natural resources. These include the Waikato River Authority, Rotorua Lakes Strategy Group, the Auckland Council Independent Māori Statutory Board, Te Upoko Taiao Natural Resource Planning Committee (Greater Wellington), Te Ao Marama Inc (Southland), dedicated Māori wards/seats (Bay of Plenty (existing), Waikato/Nelson (pending), as well as a wide range of advisory type committees. Other as yet unutilised/untested options also exist under existing legislation including the joint management and delegated authority provisions of the RMA, Local Government Act provisions, and the recent Marine and Coastal Areas Act.

While existing models may provide a basis for the development of future governance arrangements, consideration needs to be given to addressing the issues above, and most importantly any proposed structure needs to be discussed and negotiated with the relevant iwi groups to ensure it meets the needs of both parties.

These principles address the specific clauses of the RMA as outlined in this project brief. Any NPS must demonstrate how it gives effect to these principles. We believe these principles are also aligned with the recommendations of Wai 262.

8 Principles for managing Taonga Ecosystems

8.1 Ko te tiriti o Waitangi te tahuhu o te kaupapa o nga Taonga

The Treaty of Waitangi is the framework for all matters relating to taonga ecosystems including indigenous biodiversity. The Treaty is the foundation for the management of our taiao, for both government (including local government agencies) and iwi/hapu. The Treaty relationship requires an equal status for both iwi/hapu and the Crown (including Local Government) in indigenous biodiversity management.

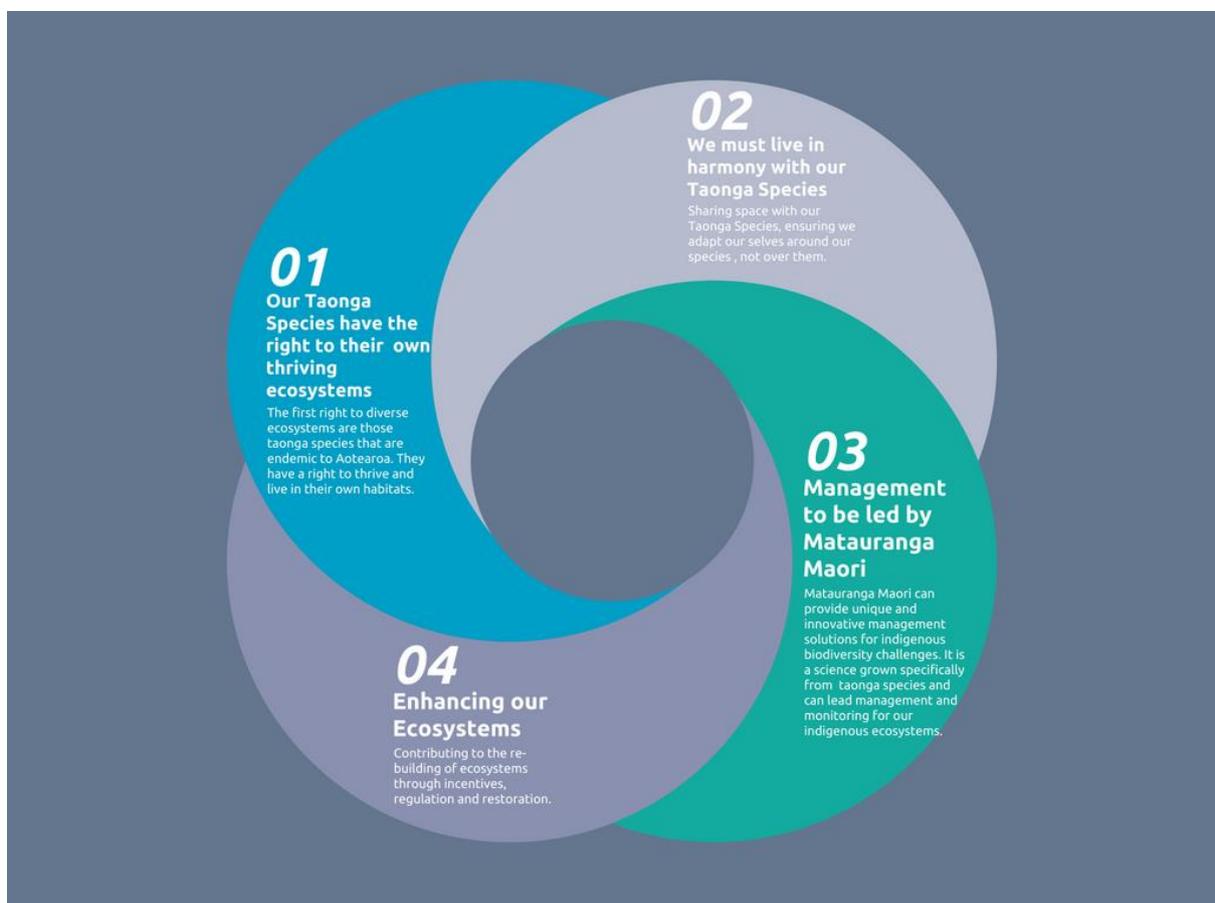
8.2 Hutia te Rito

The integrity of the indigenous ecosystem must be the primary consideration in any management decisions. Maintaining the integrity of the indigenous ecosystem resource (and consequently all

connected resources including land and water) is the most important outcome for managing indigenous ecosystems and must be the overriding goal. Any management of indigenous ecosystems (including development consents, uses or discharges enabled under the RMA) is secondary to that primary purpose and can only occur where the integrity and mana of the taonga is ensured.

To be truly effective all aspects of the health of the taonga ecosystems need to be integrated, including all government agencies with responsibilities related to the health and well-being of the taonga ecosystems, including flora and fauna.

Hutia te Rito is to be seen as the overarching framework through which all actions enabled under the NPS Biodiversity should be considered.



8.3 Te mana motuhake o ia Taonga o ia iwi ki nga Taonga

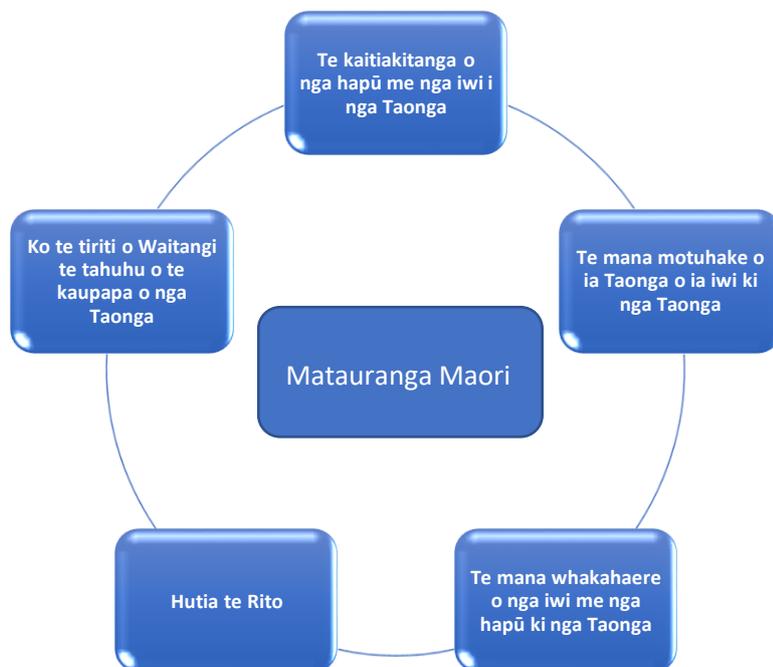
Each iwi/hapu maintains their own mana over their taonga ecosystems and that must be respected in any management system. No one can usurp the mana of an iwi to determine their own interests and relationship with their taonga ecosystems and to participate in the decision making and management of that resource.

8.4 Te kaitiakitanga o nga hapū me nga iwi i nga Taonga

Iwi, hapū and whanau have responsibilities and obligations as kaitiaki to protect and enhance the mauri and life-sustaining properties of taonga ecosystems, ensuring they are able to sustain themselves and where. To meet these obligations iwi need to be empowered to participate in the governance and decision making framework and consistent with the above principle of *Hutia te Rito*, the health and wellbeing of our indigenous biodiversity needs to be central to the decision making criteria.

8.5 Te mana whakahaere o nga iwi me nga hapū ki nga Taonga

The past and future relationship of iwi, hapū and whānau to water, including both governance and decision-making as well as use rights must be acknowledged and entrenched. Iwi involvement in governance and decision-making is a reflection of our mana whakahaere – traditional decision-making authority. This includes our whakapapa connection to the resources and the rights and obligations that connection creates.



9 Proposed Drafting

9.1 Preamble

9.1.1 National Significance of Taonga ecosystems and Hutia te Rito

The matter of national significance to which this national policy statement applies is the management of Taonga Species (Indigenous biodiversity) through a framework that considers and gives effect to Hutia te Rito which is a Te Tiriti o Waitangi based process which applies to all management of Taonga species.

Hutia te Rito is an integral part of indigenous biodiversity management, and it is premised on Mātauranga Māori although can be supported by other bodies of science. The health and well-being of our indigenous ecosystems are vital for the health and well-being of our New Zealand identity, our lands, our waterways and our communities. Hutia te Rito is the integrated and holistic well-being of an indigenous ecosystem. Upholding Hutia te Rito acknowledges and protects the mauri of the indigenous ecosystem through Mātauranga Māori. This requires that in using our lands and waters you must also provide for Te Hauora o te Taiao (the health of the environment) and Te Hauora o nga Taonga (the health of the taonga species).

Hutia te Rito incorporates the values of tangata whenua and the wider community in relation to each ecological area. The engagement promoted by Hutia te Rito will help the community, including tangata whenua, and regional councils develop tailored responses to indigenous ecosystem management that works within their region. By recognising Hutia te Rito and its associated Mātauranga Māori, as an integral part of the indigenous biodiversity management framework it is intended that the health and well-being of our indigenous ecosystems is at the forefront of all discussions and decisions about taonga species, including the identification of indigenous biodiversity values and objectives, setting ecological areas, significance criteria, limits and the development of policies and rules. This is intended to ensure that our indigenous ecosystems are available for all New Zealanders, including tangata whenua, now and for future generations.

9.2 AA. Hutia te Rito

9.2.1 Objective AA1

To consider and give effect to Hutia te Rito in the management of Taonga Ecosystems.

9.2.2 Policy AA1

By every regional council making or changing regional policy statements and plans to consider and give effect to Hutia te Rito, noting that: a) Hutia te Rito recognises the connection between Taonga Species and the broader ecosystems needed to support their well-being – Te Hauora o te Taiao (the

health of the connected ecosystems) and Te Hauora o nga Taonga (the health of the Taonga Species themselves) and the place of our communities and their interactions with these two kaupapa; and b) values identified through engagement and discussion with the community, including tangata whenua, must inform the setting of any decision making frameworks regarding Taonga species. This must be led by Matauranga Maori and supported by other bodies of knowledge where valuable.

9.2.3 Objective AA2

To give effect to Te Tiriti o Waitangi.

9.2.4 Policy AA2

By every regional council making or changing regional policy statements and plans to give effect to Te Tiriti o Waitangi in management and decision-making regarding taonga ecosystems.

9.3 D. Tangata whenua roles and interests

9.3.1 Objective D1

To provide for the involvement of iwi and hapū and their Matauranga Maori, and to ensure that tangata whenua values and interests are identified and reflected in the management of Taonga Species including associated ecosystems, and decision-making regarding Taonga Species planning, including on how all other objectives of this national policy statement are given effect to.

9.3.2 Policy D1

Local authorities shall take reasonable steps to: a) involve iwi and hapū in the management of Taonga Species and ecosystems in the region; b) work with iwi and hapū to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region; and c) reflect tangata whenua values and interests, including matauranga Maori and tikanga in the management of, and decision-making regarding, fresh water and Taonga Species ecosystems in the region.

Where taonga species and ecosystems are found on Maori Land as defined in Te Ture Whenua Maori 1997, the land owners of the identified land blocks must also be given the same status as iwi and hapu under this NPS.

10 Ensuring collaboration and co-design

Te Kahu o te Taiao has refrained from making any specific comment regarding the following;

- The identification of significant ecological areas and how they should be specifically controlled;
- The specific nature of indigenous ecosystem monitoring through matauranga Maori;
- The inclusion of specific tikanga that can be used to achieve protection and manage effects of taonga ecosystems;

- The preferred specific nature of the partnership and decision-making opportunities;

Clear perspectives have been given by individual iwi that national direction should enable a direct conversation between councils and the iwi in each rohe. Within Te Kahu o te Taiao, it was agreed that the purpose of any NPS should be to enable the principles outlined in the previous section and to direct councils to address these principles through a collaborative approach with tangata whenua. This was seen to be beginning to have some traction through Te Mana o te Wai. It will be left to individual iwi to determine the specifics discussed in the bullet points above with their respective Councils and communities. However, Te Kahu o te Taiao seeks the opportunity to review the entire draft NPS to ensure that the key principles are given effect to.

10.1 Proposed Collaborative Process

It is envisaged that when Councils are reviewing their plans they would initiate a collaborative process which would require a partnership model that enabled 50% mana whenua Iwi and 50% of the wider community. It is recommended that Iwi receive resourcing and are given adequate time to identify their own significant ecological areas, desired cultural indicators for significance criteria and biodiversity outcomes based on iwi values which is likely to include but may not be limited to cultural uses.

This part of the process is consistent with the example policy option outlined in the BCG Working Paper from the 10th of April that is entitled 'To Protect Environmental Taonga'. We would support the suggestion that a specific policy is included in the NPS along the lines outlined as below.

Objective X To protect taonga ecosystems

Policy X

By every regional council or district council working with iwi and hapu to enable and resource the identification of taonga ecosystems and species to be included in regional policy statement (alternative: regional biodiversity plan) by:

- a. Identifying areas of cultural taonga ecosystems significance where appropriate; and*
- b. Describing their cultural significance criteria and outcomes*

Once the iwi workstream has been completed by the respective iwi, the collaborative process, whereby the whole community with tangata whenua and led by Matauranga Maori to ensure Hutia te Rito is enabled would begin. Together tangata whenua and the community will identify the areas of ecological significance, indicators for significance criteria and collective biodiversity outcomes. These would then be agreed through a co-decision-making process whereby iwi will be represented.

10.1.1 Monitoring

In order to create baselines for the collaboratively identified biodiversity outcomes and areas, a benchmarking process would be created. It is expected that the significance criteria would be critical to this work. Part of this workstream would be to ensure each hapu and iwi could co-design the criteria and subsequently monitor using cultural health tools appropriately chosen and used by tangata whenua. Te Kahu o te Taiao had previously worked on a Mauri scale for integration with the National Objectives Framework under the NPSFW.

The NPS-FM requires that the overall quality of freshwater is to be maintained or improved, while protecting the significant values of outstanding freshwater bodies and wetlands and improving water quality in waterbodies that have been degraded to the point of being over-allocated.

The NPS-FM also requires councils to set objectives in Regional Plans and establish methods (including limits) to give effect to the Freshwater objectives. Objectives must be set according to the process set out in the National Objectives Framework (NOF). While TMOTW holds primacy within the NPS-FW, its definition at implementation level can only be determined by Tangata Whenua to which the resource relates. This is the same expectations that TKOTT has for the NPS Biodiversity.

Regional Councils must therefore work with tangata whenua to build stronger methods of assessing the mauri and health of natural resources including water quality and quantity as part of the implementation of Regional Plans under the NPSFW.

For example, the Bay of Plenty Regional Policy Statement Method 44 states:

Work with tangata whenua in the development of ways to assess the mauri of natural resources with the intent that such methods are implemented in regional plans for monitoring consented activities, the state of the environment, and the efficiency and effectiveness of plan provisions, where these involve matters of significance to Māori.

TKOTT determined that a mauri measure, i.e. a measure that determined very simply and in a narrative form, what Mauri looked like in a healthy state, and what it looked like when it was failing, could be universal for iwi and hapu to use in regards to freshwater.

Key considerations for the roopu were making sure that the mana for determining how to measure Mauri and in what method lay firmly and only in the hands of tangata whenua with mana whenua and mana wai. It was considered that the best way to do this was to only deliver the scale on which mauri could be measured, not articulate the measuring system.

TKOTT are highly experienced practitioners in matauranga Maori and in western science, they also have the full support of the 73 Iwi of the Iwi Chairs Forum. With this expertise, they developed a table which provided the preferred Mauri states across all the values identified in the NPS-FW as well as those determined by the group.

The purpose of the work was agreed to be

- To design a set of universal Mātauranga Māori based set of attributes for the value for Te Mana o te Wai.
- To assign an attribute state at or above the minimal acceptable state for each attribute.
- To ensure that these are designed in such a way that they can be shaped to suit hapu and iwi perspective at the FMU level and can be measured consistently.
- To enable the measure to be enabled through the Mana Whakahoāroa Rohe agreements enacted by the RMA.
- To support Iwi statutory acknowledgements through Treaty Settlements.

10.1.2 Mauri Measure

A range of mauri measure methodologies and measures exist including the Mauri Compass, the Cultural Health Index, the Mauri-o-meter as examples. At the establishment of collaborative groups by Regional Councils, to give effect to Te Mana o te Wai in the National Policy Statement on Freshwater, it is expected that specific engagement will occur with tangata whenua on three key matters.

- Tangata whenua will articulate how they see Te Mana o te Wai being reflected and leading decision making over water body prioritisation and water quality management.
- Tangata whenua will determine the method of measurement of mauri that is appropriate for them.
- Tangata whenua will determine collaboratively how the monitoring process would be resourced to enable tangata whenua to carry out the measurement of mauri themselves. A key determiner of Mauri must be that only tangata whenua themselves can measure Mauri.

It is recommended that this same process be initiated for biodiversity in whatever monitoring system is being suggested. The table below outlines the Mauri scale for freshwater, but it is envisaged that this could easily be adapted to address Mauri in taonga ecosystems.

Separate resourcing will be required by hapu and iwi to determine the most appropriate measure for mauri, and it may be that iwi and hapu have their own Mauri scale that is more specific to their desired outcomes. In this case the default Mauri scale should be able to be replaced by the iwi Mauri scale.

In order to further direct councils to enable and resource cultural monitoring, the following section is recommended to be included in the NPS Biodiversity.

Policy X

Assessment of Cultural Effects

When undertaking and considering an AEE, an assessment of cultural effects is required and must demonstrate;

- a) Any Taonga Species or ecosystems which are significant to tangata whenua;*
- b) Their current status on the agreed Mauri scale measured by tangata whenua through their chosen cultural health measurement tool;*

The cultural effects assessment must then demonstrate;

- a) How matauranga Maori as defined by the appropriate tangata whenua grouping has led the assessment methodology;*
- b) How the proposed activity will impact its current status on the Mauri scale and how this will be improved by the proposed activity;*
- c) Assessing the implications of the direct effects associated with the application on the mauri of the wider catchment ecosystem.*

11 Mauri Measure for Inclusion in the NOF

A: Mauri Ora	Tangata whenua can eat and drink safely from the wai <i>all of the time</i> .	Tangata whenua exercise their tikanga and customary practices to the extent desired <i>all of the time</i> .	Water flows sustain all ecosystems, taonga species and customary uses and are seasonally appropriate while enabling passage – Mai uta, ki tai <i>all of the time</i> .	Tangata whenua are accessing safe and preferred hopua wai and tauranga waka <i>all of the time</i> .	Wai whakaika are free from contaminants, and access is managed by Iwi/Hapu <i>all of the time</i> .	The valued features, taonga and unique properties of the waters are maintained <i>all of the time</i> .
B: Mauri Piki	Tangata whenua can eat and drink safely from the wai <i>most of the time</i> .	Tangata whenua exercise their tikanga and customary practices to the extent desired <i>most of the time</i> .	Water flows sustain all ecosystems, taonga species and customary uses and are seasonally appropriate while enabling passage – Mai uta, ki tai <i>most of the time</i> .	Tangata whenua are accessing safe and preferred hopua wai and tauranga waka <i>most of the time</i> .	Wai whakaika are free from contaminants, and access is managed by Iwi/Hapu <i>most of the time</i> .	The valued features, taonga and unique properties of the waters are maintained <i>most of the time</i> .

C: Mauri Whakakau	Tangata whenua can eat and drink safely from the wai <i>some of the time</i> .	Tangata whenua exercise their tikanga and customary practices to the extent desired <i>some of the time</i> .	Water flows sustain all ecosystems, taonga species and customary uses and are seasonally appropriate while enabling passage – Mai uta, ki tai <i>some of the time</i> .	Tangata whenua are accessing safe and preferred hopua wai and tauranga waka <i>some of the time</i> .	Wai whakaika are free from contaminants, and access is managed by Iwi/Hapu <i>some of the time</i> .	The valued features, taonga and unique properties of the waters are maintained <i>some of the time</i> .
D: Mauri Heke	Tangata whenua can eat and drink safely from the wai <i>rarely</i> .	Tangata whenua exercise their tikanga and customary practices to the extent desired <i>rarely</i> .	Water flows sustain all ecosystems, taonga species and customary uses and are seasonally appropriate while enabling passage – Mai uta, ki tai <i>rarely</i> .	Tangata whenua are accessing safe and preferred hopua wai and tauranga waka <i>rarely</i> .	Wai whakaika are free from contaminants, and access is managed by Iwi/Hapu <i>rarely</i> .	The valued features, taonga and unique properties of the waters are maintained <i>rarely</i> .
E: Mauri Mate	Tangata whenua cannot eat and drink safely from the wai <i>at any time</i> .	Tangata whenua exercise their tikanga and customary practices to the extent desired <i>at any time</i> .	Water flows cannot sustain any ecosystems, taonga species or customary uses and are not seasonally appropriate or enabling of passage	Tangata whenua cannot access safe and preferred hopua wai and tauranga waka <i>at any time</i> .	Wai whakaika are contaminated and there is <i>no access</i> to Iwi/Hapu.	The valued features, taonga and unique properties of the waters have been <i>destroyed</i> .

			- Mai uta, ki tai <i>at any time.</i>			
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12 Mana Whakahono a Rohe Agreements

Mana Whakahono ā Rohe (MWAR) were recently enacted through the Resource Legislation Amendment Act 2017. These inclusions in the RMA create an opportunity for iwi and councils to specifically address matters of the NPS and more broadly the RMA as a whole in terms of sections 6, 7 and 8 as they pertain to iwi and hapu.

The purpose of Mana Whakahono a Rohe is:

- to provide a mechanism for iwi authorities and local authorities to discuss, agree, and record ways in which tangata whenua may, through their iwi authorities, participate in resource management and decision-making processes under this Act; and
- to assist local authorities to comply with their statutory duties under this Act, including through the implementation of sections 6(e), 7(a), and 8.

The policy intention of the Mana Whakahono ā Rohe is that the arrangements are not intended to be overly prescriptive, but rather are designed to provide the parties (iwi/hapū and local authorities) with the opportunity to work collaboratively in a way they see fit. The arrangements are not intended to be overly prescriptive, but rather are designed to provide the parties (relevant iwi authorities/hapū and local authorities) with the opportunity to work collaboratively in a way they see fit within the RMA framework.

MWAR are important for those iwi (and hapū) who have settled their historical Treaty of Waitangi grievances and those who have not. For those who are settled it enables another conversation about the Treaty settlement redress with local authorities to have new discussions and set out expectations again. This was particularly important to many post settlement iwi who were finding that their aspirations were not being met through statutory acknowledgements. For those iwi who had not yet settled, the MWAT enabled an agreement outside of the Treaty settlement process so that the “Treaty settlement credits” do not have to be exhausted on matters that should be enabled under the RMA.

A Mana Whakahono must:

- Be recorded in writing
- Identify the participating authorities
- Record the agreement of the participating authorities about:
 - how an iwi authority may participate in the preparation or change of a policy statement or plan, including the use of any of the pre-notification, collaborative, or streamlined planning processes under Schedule 1;
 - how the participating authorities will understand consultation requirements, including the requirements of section 34A(1A) and clause 4A of Schedule 1;

- how the participating authorities will work together to develop and agree on methods for monitoring under the RMA;
- how the participating authorities will give effect to the requirements of any relevant iwi participation legislation, or any of the agreements associated with, or entered into under, that legislation; and
- the process the parties will use to resolve implementation disputes.

A Mana Whakahono may also specify:

- how a local authority is to consult or notify an iwi authority on resource consent matters, where the Act provides for consultation or notification:
- the circumstances in which an iwi authority may be given limited notification as an affected party:
- any arrangement relating to other functions, duties, or powers under this Act:
- if there are 2 or more iwi authorities participating in a Mana Whakahono a Rohe, how those iwi authorities will work collectively together to participate with local authorities:
- whether a participating iwi authority has delegated to a person or group of persons (including hapū) a role to participate in particular processes under this Act.

Therefore a MWAR can include a specific process for enabling an NPS and specific rules that may come from that process which could be applied to biodiversity if this was mutually agreed by Council and iwi. It is recommended that the following policy could be included to ensure that council/iwi partnership approaches were used in the NPS Biodiversity process.

Policy X

Managing environmental taonga by co-designing, co-designing and co-managing taonga ecosystems through iwi preferred partnership models which could include Mana Whakahono a Rohe agreements, statutory acknowledgements or other RMA enabled iwi participation vehicles such as a Section 33 transferral of powers.

13 Te Ture Whenua Maori Act 1993

As stated in the April 10 report, “Māori Land is subject to restrictions and protections that are not associated with other forms of privately owned land. While the Māori asset base is growing (settlements are a contributing factor), there is a significant opportunity to lift the productivity of Māori land. However, because Māori land is often undeveloped or under-developed, up to 50% of land cover is comprised of indigenous vegetation.” The content of the report is supported by Te Kahu o te Taiao and so this section has focused on the

These restrictions and protections have seen this undeveloped land eventuate in vegetation that is positive to the overall purpose of the NPS on Biodiversity. However, there are concerns that restrictions as a result of the NPS could mean that increased productivity and ultimately the

opportunity of Maori land to resource the socio-economic and cultural aspirations of Maori land owners will be lost.

Given the opportunity, there is a strong belief that many Maori landowners would welcome the opportunity to retain their current indigenous cover and plant more, if there was a strong incentive, i.e. the development of ecosystem services model to rival the returns of other land uses which require land clearance. Conversely, Maori land owners of Maori land which has already had significant barriers to development which are widely documented will be concerned that they will not have flexibility to develop given their retention of current biodiversity cover.

It should be noted, in the policy recommendations that specific reference is made for Maori land.

Where taonga species and ecosystems are found on Maori Land as defined in Te Ture Whenua Maori 1997, the land owners of the identified land blocks must also be given the same status as iwi and hapu under this NPS.

As Treaty settlements and RMA improvements have been made, there is a greater recognition of iwi and now hapu under the MWAR amendments. However, there is a further need when specific Maori land blocks may be subject to the NPS Biodiversity. It will be important that Maori land owners have the opportunity to feed into the collaborative process in a similar manner to iwi and hapu. This will be a complex situation. Iwi and hapu are by social structure Maori land owners, however as a result of the establishment of the Maori land court and the continued marginalisation of Maori land, and also as a result of the strengthening of the iwi bases through Treaty settlements, many Maori perspectives must be understood to ensure that no further grievances are created through the implementation of council policy.

14 Complementary Measures

14.1 Ecosystem Services

Ecosystem services' can most simply be defined as the benefits people obtain from ecosystems. Ecosystems are widely considered to provide four categories of services: supporting (e.g. nutrient cycling, soil formation and primary production); provisioning (e.g. food, fresh water, wood, fibre and fuel); regulating (e.g. climate regulation, flood and disease regulation, and water purification); and cultural (aesthetic, spiritual, educational and recreational).⁸

This broader world-view of values and ecosystems enables a move towards a more unified, integrated management framework (away from fragmented, single-focus frameworks) as required to sustain and manage ecosystems in the future. This view aligns with the growing critique of neoliberalism that is emerging across a wide range of scholarship. In particular, Māori scholars offer several useful frameworks that may help to address these issues. Harmsworth and Awatere emphasise that Māori

⁸ <https://www.doc.govt.nz/Documents/science-and-technical/sap258entire.pdf>

well-being is integrally linked to the well-being of ecosystems and vice versa. They cannot be separated; through whakapapa humans and ecosystems are inter-connected and humans are significant within the ecosystem. Therefore, ecosystem-based management frameworks need to accommodate different kinds of values for valuation and decision-making, particularly cultural values of Māori and non-Māori.

Ecosystem services are increasingly becoming a useful tool in planning, policy, and decision making. However, the persistent focus on an 'economic worldview' may have 'closed the door to other social perspectives.' Within the broader ecosystem services approach, some values do not fit naturally into the ecosystem approach. Maori perspective on ecosystem services would expect that there should be a broader consideration of other values such as; non-use, cultural, intrinsic, and moral so they are not dismissed as 'hidden externalities.' There should be the appropriate space to understand and take into account these types of values.

Harmsworth and Awatere⁹ recommend that a complete range of cultural values need to be fully comprehended and understood, that is, both non-use (more traditional, customary) and use values (economic, production). An ecosystem-based management framework that recognises mātauranga Māori must recognise that 'cultural values' range across material (e.g. provisioning, regulating, supporting) to nonmaterial/non-monetary values (e.g. customary-cultural, spiritual, sacred).

After discussion on this matter, TKOTT recommended that an ETS could be extended to cover a range of ecosystem services, some based purely on carbon sequestration, and inclusive of soils and wetlands and potentially extended to include wider well-being measures inclusive of cultural values, mauri and natural capital models.

A recent paper completed by the Iwi Chairs Forum on potential incentives as a result of the inclusion of wetlands into the ETS, Carbon stock in wetlands on Māori land. There is a total 10,139 ha of wetlands on Māori land nationwide, making up just 4% of total wetland area. This total consists of 8,274 ha of current wetlands and 1,865 ha of drained wetlands.

The total potential carbon stock stored in wetlands on Māori land is calculated to be between 1.62 – 5.48 Mt CO₂. The carbon stock in current wetlands is estimated to be between 1.32 - 4.47 Mt CO₂ and in drained wetlands could have been between 0.30 – 1.01 Mt CO₂ (Figure 5).

14.1.1 Potential number and value of carbon credits for Māori if wetlands were to be included in the Emissions Trading Scheme

Current wetlands - The carbon stored in current wetlands on Māori land could potentially earn between 1.3 – 4.5 million carbon credits which would have a value of \$26.1m - \$88.0m (Table 4).

⁹ <http://sustainableseaschallenge.co.nz/sites/default/files/2016-05/Mauri%20Moana%2C%20Mauri%20Tangata%2C%20Mauri%20Ora%20-%20Documenting%20social%20values.pdf>

Drained wetlands - The carbon that would have been stored in drained wetlands on Māori land could have potentially earned between 298,400 to 1.0 million carbon credits worth between \$5.9m - \$19.8m (Table 4).

14.1.2 Change in carbon stocks

Through carbon sequestration current wetlands on Māori land could result in an additional 4,137 t CO₂ stored per year which could earn land owners another \$81,500 worth of carbon credits per year.

These numbers would support incentives to reduce wetland drainage and potentially encourage wetland restoration. Further research should be completed to assess the full range of ecosystem services that could be supported by Maori land and enabled by opportunities such as rates remissions, within catchment offsetting to encourage flexibility and valuing of water quality for a natural capital model specifically on the balance sheets of Maori land Trusts and Incorporations who are often asset rich and cash challenged.

Resourcing

The resourcing of the implementation of National Policy Statements has been a barrier to both Councils and Iwi. Throughout this document there are highlighted key processes that will need significant central government funding to enable. These areas are;

- Collaborative processes, time and resourcing for the inclusion of tangata whenua representatives, this should note be seen as voluntary.
- Project funding to establish the iwi position on cultural significance indicators, ecological areas and biodiversity outcomes.
- Capability building for Council staff in Mātauranga Maori processes and the facilitation of collaborative groups.
- Planning support for iwi when co-designing regional plans, specifically policy drafting support.
- Project funding to develop complementary measures that are consistent with tikanga Maori.

It is recommended that the Government consider establishing a significant biodiversity contestable fund to deal the establishment of biodiversity credits for land that has been protecting biodiversity on behalf of Aotearoa. It is also recommended that where biodiversity targets or outcomes are not met, taxes or penalties should be taken from applicants or consent holders that will be diverted to the continued enhancement of biodiversity.

15 Recommended Drafting

15.1 Preamble

15.1.1 National Significance of Taonga ecosystems and Hutia te Rito

The matter of national significance to which this national policy statement applies is the management of Taonga Species (Indigenous biodiversity) through a framework that considers and gives effect to

Hutia te Rito which is a Te Tiriti o Waitangi based process which applies to all management of Taonga species.

Hutia te Rito is an integral part of indigenous biodiversity management, and it is premised on Mātauranga Maori although can be supported by other bodies of science. The health and well-being of our indigenous ecosystems are vital for the health and well-being of our New Zealand identity, our lands, our waterways and our communities. Hutia te Rito is the integrated and holistic well-being of an indigenous ecosystem. Upholding Hutia te Rito acknowledges and protects the mauri of the indigenous ecosystem through Mātauranga Maori. This requires that in using our lands and waters you must also provide for Te Hauora o te Taiao (the health of the environment) and Te Hauora o nga Taonga (the health of the taonga species).

Hutia te Rito incorporates the values of tangata whenua and the wider community in relation to each ecological area. The engagement promoted by Hutia te Rito will help the community, including tangata whenua, and regional councils develop tailored responses to indigenous ecosystem management that works within their region. By recognising Hutia te Rito and its associated Mātauranga Maori, as an integral part of the indigenous biodiversity management framework it is intended that the health and well-being of our indigenous ecosystems is at the forefront of all discussions and decisions about taonga species, including the identification of indigenous biodiversity values and objectives, setting ecological areas, significance criteria, limits and the development of policies and rules. This is intended to ensure that our indigenous ecosystems are available for all New Zealanders, including tangata whenua, now and for future generations.

15.2 AA. Hutia te Rito

15.2.1 Objective AA1

To consider and give effect to Hutia te Rito in the management of Taonga Ecosystems.

15.2.2 Policy AA1

By every regional council making or changing regional policy statements and plans to consider and give effect to Hutia te Rito, noting that: a) Hutia te Rito recognises the connection between Taonga Species and the broader ecosystems needed to support their well-being – Te Hauora o te Taiao (the health of the connected ecosystems) and Te Hauora o nga Taonga (the health of the Taonga Species themselves) and the place of our communities and their interactions with these two kaupapa; and b) values identified through engagement and discussion with the community, including tangata whenua, must inform the setting of any decision making frameworks regarding Taonga species. This must be led by Mātauranga Maori and supported by other bodies of knowledge where valuable.

15.2.3 Objective AA2

To give effect to Te Tiriti o Waitangi.

15.2.4 Policy AA2

By every regional council making or changing regional policy statements and plans to give effect to Te Tiriti o Waitangi in management and decision-making regarding taonga ecosystems.

15.3 D. Tangata whenua roles and interests

15.3.1 Objective D1

To provide for the involvement of iwi and hapū and their Mātauranga Maori, and to ensure that tangata whenua values and interests are identified and reflected in the management of Taonga Species including associated ecosystems, and decision-making regarding Taonga Species planning, including on how all other objectives of this national policy statement are given effect to.

15.3.2 Policy D1

Local authorities shall take reasonable steps to: a) involve iwi and hapū in the management of Taonga Species and ecosystems in the region; b) work with iwi and hapū to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region; and c) reflect tangata whenua values and interests, including mātauranga Maori and tikanga in the management of, and decision-making regarding, fresh water and Taonga Species ecosystems in the region.

Where taonga species and ecosystems are found on Maori Land as defined in Te Ture Whenua Maori 1997, the land owners of the identified land blocks must also be given the same status as iwi and hapū under this NPS.

15.4 Objective X To protect taonga ecosystems

By every regional council or district council working with iwi and hapū to enable and resource the identification of taonga ecosystems and species to be included in regional policy statement (alternative: regional biodiversity plan) by:

- a. Identifying areas of cultural taonga ecosystems significance where appropriate; and*
- b. Describing their cultural significance criteria and outcomes*

15.5 Policy X Assessment of Cultural Effects

When undertaking and considering an AEE, an assessment of cultural effects is required and must demonstrate;

- c) Any Taonga Species or ecosystems which are significant to tangata whenua;*
- d) Their current status on the agreed Mauri scale measured by tangata whenua through their chosen cultural health measurement tool;*

The cultural effects assessment must then demonstrate;

- d) *How mātauranga Maori as defined by the appropriate tangata whenua grouping has led the assessment methodology;*
- e) *How the proposed activity will impact its current status on the Mauri scale and how this will be improved by the proposed activity;*
- f) *Assessing the implications of the direct effects associated with the application on the mauri of the wider catchment ecosystem.*

15.6 Policy X Partnership Models

- g) *Managing environmental taonga by co-designing, co-designing and co-managing taonga ecosystems through iwi preferred partnership models which could include Mana Whakahono a Rohe agreements, statutory acknowledgements or other RMA enabled iwi participation vehicles such as a Section 33 transferral of powers.*