



NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY

EXPOSURE DRAFT

SUBMISSION TO THE MINISTRY FOR THE ENVIRONMENT AND THE DEPARTMENT OF CONSERVATION

SUBMITTER INFORMATION

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INTRODUCTION

- 1) This document provides Te Wai Māori Trust's response to the Ministry for the Environment and Department of Conservation's (the Ministries) Draft National Policy Statement for Indigenous Biodiversity Exposure Draft June 2022 (NPSIB exposure draft).
- 2) The government in 2019 released the proposed National Policy Statement for Indigenous Biodiversity (NPSIB) which set out the objectives and policies to identify, protect, manage, and restore indigenous biodiversity under the Resource Management Act 1991 (RMA). From November 2019 to March 2020, the Ministries sought public feedback on the introduction of a NPSIB to help protect indigenous biodiversity. They received 7000 submissions, including a submission by Te Wai Māori Trust.
- 3) The Ministries are now seeking feedback from practitioners, iwi/Māori, stakeholders and those familiar with the NPSIB on the exposure draft to ensure its provisions are workable. The opening date for submissions was 9 June 2022 and the closing date is 21 July 2022.
- 4) Te Wai Māori Trust works on behalf of 58 mandated Iwi organisations who represent all Māori throughout Aotearoa.
- 5) The Te Ao Māori worldview considers everything living and non-living to be interconnected. Whakapapa describes these connections and tells the story of how people, the landscape, plants, and animals came into being. People, plants, and animals are all descendants of Ranginui (the sky father) and Papatuanuku (the earth mother) and their children, which means humans are therefore, intrinsically linked with biodiversity.¹ Tangata whenua have a role as kaitiaki to preserve the mauri, wahi tapu and natural taonga in their area.

¹ See www.environmentguide.org.nz/issues/biodiversity/maori-and-biodiversity.

- 6) Only approximately 6 percent or 1.5 million hectares of New Zealand's land area remains in Māori ownership.² But, significantly, almost 50% of the total indigenous vegetation remaining on private land is held in Māori title. Land returned more recently through the Waitangi Tribunal means that Māori have not had the same length of time to develop their land than other landowners. Consequently, Māori-owned lands that are yet to be developed for productive purposes may be disproportionately affected by planning rules seeking indigenous vegetation protection.³
- 7) Māori have aspirations to maintain their association with their lands and to provide opportunity for owners to utilise undeveloped land (for example for hunting, fishing, and papakainga). Utilising land to exercise values such as kaitiakitanga and manaakitanga is also valued by Māori.⁴ Understanding Māori perspectives on biodiversity and the relationship of biodiversity with Māori land is important because there are unique circumstances and cultural needs which should be considered in the design of conservation mechanisms.
- 8) Māori also have an interest in resource use as well as protection. This 'use' interest is unique, first because it is underpinned by the concepts of mauri, whanaungatanga, and kaitiakitanga which means the right to use the natural environment sits within a corresponding obligation to ensure it remains healthy, and second because of the barrier to full and optimal use of Māori land.
- 9) How the Treaty of Waitangi should be interpreted and given effect to in modern governance arrangements is an important consideration in relation to indigenous biodiversity management. The Waitangi Tribunal in Wai 262 found that iwi and hapū are obliged to act as kaitiaki towards taonga in the environment such as land, natural features, waterways, wahi tapu, pa sites and flora and fauna within their rohe. It also found that current resource management laws and policies and conservation and wildlife laws do not support kaitiaki relationships to the degree required by the Treaty.
- 10) Within the RMA those provisions and mechanisms include section 6(e) RMA which requires decision-makers to recognise the provide for protection of relationships with taonga; section 7(a) which introduces the tikanga value of kaitiakitanga in relation to environmental management; section 8 which references the principles of Te Tiriti; and sections 33, 36B and the Mana Whakahono a Rohe provisions which provide opportunity for tangata whenua involvement in decision-making.⁵

OVERARCHING COMMENTS

- 11) The following provides a summary of Te Wai Māori Trust's response to the NPSIB exposure draft. Te Wai Māori Trust consider that the NPSIB exposure draft:
 - a) Has been developed without any meaningful participation with iwi/ Māori.
 - b) Does not provide for adequate engagement with iwi/ Māori. The consultation period of six weeks was inadequate and there was no direct engagement with Te Wai Māori Trust from the Ministries.

² Harmsworth G, and Awatere S 2013. Indigenous Maori knowledge and perspectives of ecosystems. In Dymond JR ed. Ecosystem services in New Zealand – conditions and trends. Manaaki Whenua Press, Lincoln, New Zealand.

³ Wilson G, and Memon P, 2010. The contested environmental governance of Maori-owned native forests in South Island, Aotearoa/New Zealand Land Use Policy, 27(4): 1197-1209) 201.

⁴ Te Puni Kokiri, 2011. Owner Aspirations Regarding the Utilisation of Maori Land, Te Puni Kokiri April 2011.

⁵ See the Biodiversity Collaborative Group's 2018 report at page 18.

- c) Creates inequity for iwi/ Māori as it disproportionately limits the use and development of Māori land that has significant biodiversity values. The NPSIB exposure draft will severely curtail the ability of Māori landowners to develop their land which other landowners have enjoyed up to this time.
- d) Does not provide adequate resourcing, compensation, or incentives to allow iwi/ Māori to participate in this process.
- e) Iwi/ Māori require direct baseline funding to enable meaningful engagement and **at least** 50% of the \$20 million earmarked in Budget 22 to a. reflect the Tiriti principles of active protection and partnership and to b. recognise the extent of indigenous biodiversity on Māori land.
- f) Does not provide guidance on the meaning of partnership.
- g) Does not include any reference to Te Tiriti o Waitangi or the principle of partnership.
- h) Does not give adequate guidance on how local authorities should engage with tangata whenua in accordance with tikanga Māori. To give effect to tikanga Māori the Ministries must partner with Māori in a way that provides for joint rights and responsibilities in decision-making.
- i) Does not provide sufficient incentives for Māori landowners to protect indigenous biodiversity, such as refining the Emission Trading Scheme (ETS) to include existing indigenous biodiversity, naturally regenerating native vegetation and indigenous plantings. Plantation forestry is often grown on steep or marginal land and harvesting has a crippling effect on smaller streams and headwaters which often have the highest ecological and cultural values. The current ETS will force Māori landowners into planting pines to make money, which is directly contrary to the intent of the NPSIB.
- j) Should include planning incentives, like transferable development rights, that recognise the opportunity costs associated with protecting biodiversity on Māori land.
- k) Should provide scope to compensate Māori landowners for any limits on use and development of land that has significant biodiversity values.
- l) Lacks a formal structure to ensure that biodiversity offsetting is the last possible option to be used to mitigate adverse effects, recognising that it is difficult to enforce resource consent conditions over land that is offsite.
- m) Must provide resourcing and some compulsion for regional councils to enter power sharing arrangements with iwi/ Māori.
- n) The implementation plan must be co-created with iwi/ Māori as Te Tiriti partners.

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- 12) Te Wai Māori Trust's complete submission is **attached as Appendix 1**.

CONCLUSION

- 13) Te Wai Māori Trust has a significant interest in the resource management system, particularly the RMA and its requirement to protect Māori interests in freshwater fisheries (including surrounding terrestrial



and riparian habitats); protect habitat to ensure quality water and abundant species and empower iwi/Māori to exercise kaitiakitanga and rangatiratanga.

- 14) The Ministries must remove barriers for iwi/hapū and Māori to genuinely participate in resource management processes for indigenous biodiversity and create a Treaty-compliant environmental regime.