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Ministry for the Environment
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Attn: Indigenous Biodiversity Submissions Team via (indigenusbiodiversity@mfe.govt.nz)

CC'd: Te Tira Whakamātaki members and stakeholders

INTRODUCTION

Te Tira Whakamātaki is a charity that aims to conserve and preserve Aotearoa New Zealand's natural environment by; empowering and supporting Māori, iwi, hapū, whānau communities; educating the wider New Zealand public about Te Ao Māori; and promoting the integration and application of Māori knowledge, culture and perspectives within the national science framework and environmental management practices.

This is our submission on the Draft National Policy Statement on Indigenous Biodiversity (**NPSIB**).

EXECUTIVE SUMMARY

While we are pleased to see a proposed National Policy Statement for Indigenous Biodiversity being proposed as is consistent with the recommendations of the Waitangi Tribunal report "Ko Aotearoa Tēnei" on the Wai 262 treaty claim. However, the Tribunal envisaged the greater use of National Policy Statements was to develop arrangements for kaitiaki control, partnership and influence on environmental decision-making. Our statements are made in light of that view.

The following points summarise TTW's submission on the NPS:

- 1) The Draft NPSIB is an attempt by the Crown to assume authority over taonga species. This is in violation of Article 2 in Te Tiriti o Waitangi. The process should have been, and should continue to be led by Māori, and they should be resourced to do so. Any further progression of the NPSIB without Māori as full partners is a breach of Te Tiriti o Waitangi.

- 2) Māori entities have expressed real concern over what a NPSIB means for the taonga species in their rohe and on their whenua. These fears need to be acknowledged and mitigated.
- 3) An NPS on Indigenous Biodiversity and the subsequent Regional Policy Statements (**RPS**) will cover geographical locations that do not coincide with territorial boundaries of mana whenua. In addition, areas may have multiple Iwi/hapū who hold mana whenua status. Regional Councils and Territorial Authorities should not be managing serious threats to indigenous biodiversity, nor should they be defining 'significant natural areas' without Iwi, hapū, Māori leadership.
- 4) The Crown has failed to protect indigenous biodiversity on its own estates. Equally it has failed to work with Iwi, hapū, Māori to jointly manage and improve biodiversity. Therefore, protection of New Zealand's indigenous biodiversity via the implementation, monitoring and enforcement of the NPSIB and subsequent RPS should be led by Māori. Māori should be resourced to be monitors of their taonga.
- 5) The NPSIB needs to be strengthened, simplified and better aligned with other national policy statements. It should have a holistic approach that reflects a Te Ao Māori view of the environment, and a decision-making framework that does not echo past failures of the Crown.

SUBMISSION

1.0 Development of NPSIB to be Iwi led

- 1.1 While the NPSIB acknowledges the inclusion of tangata whenua as kaitiaki of indigenous biodiversity, the draft NPSIB is an attempt by the Crown to assume authority over taonga species. This is in violation of Article 2 in Te Tiriti o Waitangi.
- 1.2 Article 2 in Te Tiriti o Waitangi states "*Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa.*" ¹
- 1.3 This gives Māori tino rangatiratanga over taonga. i.e. self-determination over taonga or things considered precious such as indigenous biodiversity.
- 1.4 Development of the NPSIB and subsequent RPS may or may not have adequate Māori representation or input to satisfy the principle of partnership and may be a breach of the Treaty of Waitangi.
- 1.5 Accordingly, governance and implementation of the NPSIB needs to be cognisant of and reflect the intention of Te Tiriti o Waitangi, and adequately give effect to Article 2.

¹ "[Translation of the te reo Māori text](#)". www.waitangitribunal.govt.nz. [Archived](#) from the original on 23 January 2018.

- 1.6 Historically, the Crown has struggled to adequately engage Māori at a national level. This could result in a lack of 'social or cultural acceptance' by Māori and their communities for the NPSIB and subsequent RPS.²
- 1.7 It is therefore recommended that this entire process be led by Iwi, hapū, Māori who should be resourced adequately to do so.

2.0 Real concern about land constraints

- 2.1 There is very real concern by Māori entities over what a NPSIB means for the taonga species in their rohe and on their whenua, and the possible constraints that will be placed on whenua Māori. These fears need to be acknowledged and mitigated.³
- 2.2 Māori land that was confiscated by the Crown over the last two centuries has been used by the Crown and subsequent owners for economic gain including tourism from conservation estates. As a result, this has had a negative impact on indigenous biodiversity.
- 2.3 Notwithstanding that, Māori land and many other privately owned land blocks still retain high biodiversity. Protection of these lands will come at a cost, actual and or via economic loss due to restrictions, to those landowners including Māori owners. Subsequently the Crown should consider how it will compensate those landowners for their economic losses.⁴
- 2.4 The current proposal in the NPSIB disincentivises landowners from planting, it makes designation a liability not a matter of pride and not a value-add. It is effectively modern day raupatu (land confiscations).
- 2.5 Conducted case studies that show how existing activities established before the NPS comes into force can continue within limits are flawed. They don't take into consideration future land uses that iwi Māori could have been planning for years i.e. marae development on the West Coast, and they allow for additional costs to be incurred by already marginalised communities who may now need to seek costly resource consents to develop their own lands.
- 2.6 For consideration, Waikato Regional Council dealt with a similar concern held by local mana whenua that whakapapa to the Waikato River. In response to concerns Māori land was exempt from some aspects of Plan Change 1 under the Healthy Rivers Plan.⁵

² Dunlop, M. 2019. *Māori seek direct input into govt's climate change policy*. <https://www.rnz.co.nz/news/te-manu-korihi/388797/maori-seek-direct-input-into-govt-s-climate-change-policy>

³ Mills, L. 2019. *Iwi concerned about potential land grab*. <https://www.odt.co.nz/regions/west-coast/iwi-concerned-about-potential-land-grab>

⁴ Poipoia Ltd for the Tax Working Group. 2018. *Māori perspectives on environmental taxes and economic tools*. <https://taxworkinggroup.govt.nz/sites/default/files/2018-09/twg-bg-4007811-maori-perspectives-on-environmental-taxes-and-economic-tools.pdf>

⁵ Waikato Regional Council. 2020. *Proposed Waikato Regional Plan Change 1. Healthy Rivers/Wai Ora*. <https://www.waikatoregion.govt.nz/council/policy-and-plans/healthy-rivers-plan-for-change>

- 2.7 We recommend place-based discussions take place with mana whenua before the NPSIB proceeds. Equally we recommend monetary and non-monetary incentives be provided by both the Crown and local authorities, this can not be optional.

3.0 Regional Policy Statements

- 3.1 Mana whenua should be deciding on the boundaries of RPS and the subsequent designation of Significant Natural Areas (**SNA**). A NPSIB and the subsequent RPS will cover geographical locations that do not coincide with territorial boundaries of mana whenua. In addition, areas may have multiple Iwi/hapū who hold mana whenua status.
- 3.2 Treaty settlements are ongoing. Through the settlement process, the Crown has shown that it can alienate Iwi who have an interest in an area. This most likely will be amplified through the development of RPS and SNA which will impact pre and post settlement entities.⁶
- 3.3 Areas to be protected by regional policy statements most likely will be defined without proper engagement, and subsequently cause significant concern for post-Treaty settlement entities and mana whenua alike. Consequently, Regional Councils and Territorial Authorities should not be defining 'significant natural areas' without Iwi/hapū leadership. If this process was entirely Māori led, this concern would be mitigated.

4.0 Māori led the implementation, monitoring and enforcing of the NPSIB

- 4.1 The Crown has failed to protect indigenous biodiversity on its own estates. Today an estimated 83 percent of native birds, bats, reptiles and frogs are either threatened or at risk of extinction⁷, and the conservation status of many other vertebrates and invertebrates is worsening.⁸ This makes biodiversity decline New Zealand's most pervasive environmental issue.
- 4.2 The Crown has failed to adequately manage serious threats to indigenous biodiversity such as Myrtle Rust and Kauri Dieback.⁹ Equally the Crown has failed to work effectively with Iwi, hapū, Māori to jointly manage and improve biodiversity.
- 4.3 New conservation policies and practices that strongly recognise and embrace the need for tangata whenua to be involved in the conservation and management of New

⁶ Hurihanganui, TA. 2019. *Scathing report on Treaty of Waitangi settlement for Hauraki iwi*. <https://www.rnz.co.nz/news/te-manu-korihi/405691/scathing-report-on-treaty-of-waitangi-settlement-for-hauraki-iwi>

⁷ Ministry for the Environment. 2018. *Our Land 2018*.

⁸ Morton, J. 2018. *Major report: what we've done to NZ's landscape*. https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12035548

⁹ Forest & Bird. 2018. *MPI needs to front up on kauri dieback failures*. <https://www.forestandbird.org.nz/resources/mpi-needs-front-kauri-dieback-failures>; Smith, S. 2018. *Call to sack MPI from leading the fight against kauri dieback*. <https://www.stuff.co.nz/environment/103749523/call-to-sack-mpi-from-leading-the-fight-against-kauri-dieback>; Swannix, JM. 2018. *Te Kawerau ā Maki to launch Treaty claim over Govt's 'failure' to combat kauri dieback*. <https://www.newshub.co.nz/home/shows/2018/10/te-kawerau-maki-to-launch-treaty-claim-over-govt-s-failure-to-combat-kauri-dieback.html>

Zealand's indigenous biodiversity are needed.¹⁰ This is consistent with research that highlights the links between indigenous management of land and increased biodiversity on that land.¹¹

- 4.4 Accordingly, then the protection of New Zealand's indigenous biodiversity should be led by Māori, and Māori should be resourced to be the monitors of their taonga and enforcers of any NPSIB or RPS.
- 4.5 Failure to make provisions for Māori in the monitoring and enforcement of their taonga, coupled with the restriction and likely increased costs for Māori because of the NPSIB, Māori will likely litigate.

5.0 Tidying up and more reflection of a Te Ao Māori worldview

- 5.1 The NPSIB needs to be strengthened, simplified and better aligned with other national policy statements or management plans. It should have a holistic approach that reflects a Te Ao Māori view of the environment, and a decision-making framework that does not echo past failures of the Crown.
- 5.2 Hutia Te Rito is an attempt to have a holistic Māori concept at the core of the NPSIB but its not a concept that all Māori are comfortable with. It is weakly carried through out the NPSIB and fails to flow into the objectives, policies and methods. Either Hutia Te Rito needs to be strengthened and offer space for modification where it clashes with mana whenua views of the world (e.g. Tūhoe), or the Māori framework needs a complete rewrite.
- 5.3 The maintenance of current states of indigenous biodiversity and the long timeframes provided for responding to the NPSIB are inconsistent with the research and data, including the Ministries own data and reports, that suggest time is not on our side. Like other submitters we urge you to consider shortening timeframes and strengthening the language pertaining to climate change impacts. Councils should do more than just 'promote' the resilience of indigenous biodiversity to climate change, or 'consider' climate change in making decisions.
- 5.4 The Draft NPSIB fails to connect indigenous biodiversity to well-being. Emerging evidence suggests that proximity to high-quality biodiverse natural environments may be protective against a range of adverse health conditions such as asthmas, ADHD, and childhood leukaemia, and recovery from surgery among other things.¹²

¹⁰ Ruru, J et al. Reversing the decline in New Zealand's biodiversity: empowering Māori within reformed conservation law. *Policy Quarterly*, [S.I.], v. 13, n. 2, May 2017. ISSN 2324-1101. Available at: <https://ojs.victoria.ac.nz/pq/article/view/4657>

¹¹ Garnett, S, et al. 2018. *A spatial overview of the global importance of Indigenous lands for conservation. Indigenous peoples are crucial for conservation – a quarter of all land is in their hands.* Nature Sustainability, v.1, July 2018. <https://doi.org/10.1038/s41893-018-0100-6>; Garnett, S. 2018. *Indigenous peoples are crucial for conservation - a quarter of all land is in their hands.* <http://theconversation.com/indigenous-peoples-are-crucial-for-conservation-a-quarter-of-all-land-is-in-their-hands-99742> and BioBrief. 2019. *Indigenous lands more biodiverse than protected lands.* <https://biobrief.org/indigenous-lands-more-biodiverse-than-protected-lands/>

¹² Donovan GH, Gatzliolis D, Longley I, Douwes J. Vegetation diversity protects against childhood asthma: results from a large New Zealand birth cohort. *Nature Plants* 2018; **4**(6): 358-64.; 5. Donovan GH, Michael YL,

- 5.5 and that a pattern of diverse environmental micro-organisms and, relatedly, a diverse human microbiota also provide protection against these diseases. Conversely, loss of surrounding biodiversity plays a role in reducing diversity of microbiota and increasing immune dysregulation and thus disease
- 5.6 Consideration for the implications of Wai 262 need to be given by the Crown to Maori. Māori can then decide how to address Wai 262 going forward.

Mauri ora

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Gatziolis D, Mannetje At, Douwes J. Association between exposure to the natural environment, rurality, and attention-deficit hyperactivity disorder in children in New Zealand: a linkage study; *The Lancet Planetary Health* 2019; **3**(5): e226-e34.; Donovan GH, Gatziolis D, Douwes J. Relationship between exposure to the natural environment and recovery from hip or knee arthroplasty: a New Zealand retrospective cohort study. *BMJ Open* 2019; **9**(9): e029522.