



Ngāti Hāua Iwi Trust

**Ngā Tāpaetanga Kōrero o Ngāti Hāua Iwi Trust mō te
Biodiversity Credit System Discussion Document**

3 November 2023





“Unuunu te puru o Tūhua mā ringirngi te wai o puta”

'If you withdraw the plug of Tūhua, you will be overwhelmed by the flooding hordes of the North'
'If you withdraw the plug of Tūhua, you empty the Whanganui River'

HEI KŌRERO TĪMATANGA

Introduction and Executive Summary

1. This submission is filed in relation to the Biodiversity Credit System (**BCS**) Discussion Document that was published in July 2023. By way of executive summary, biodiversity is a taonga for Ngāti Hāua. We have and continue to rely on our biodiversity (particularly indigenous biodiversity) for sustaining the mauri within our taiao and for providing us with traditional resources that sustain both our customary practices, but more importantly, the mātauranga, tikanga and kawa that underpin those.
2. Against that setting, it naturally follows that the role and place of Ngāti Hāua (being the people at place) is central to any BCS, and biodiversity generally, flourishing and being sustainable into the future. Therefore, while protecting biodiversity is a priority, it is evenly balanced with ensuring the traditional practices associated with biodiversity, including protecting it, are not hindered by a BCS that prevents Ngāti Hāua exercising their Ngāti Hāuatanga. In this way, we express a level of concern with a BCS that is pitched from a perspective that provides private and public sector stakeholders obtaining conscience relief while not addressing their own contribution to the degradation occurring on our taiao/biodiversity.
3. We accept that this may be a complex issue, but through proper consultation and evaluation of our tikanga, including that protected by the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, those complexities can be resolved.

Ko Wai Mātou

Ko Ruapehua te maunga

Ko Whanganui te awa

E rere kau mai te awanui

Mai te Kahui Maunga ki Tangaroa

Ko te Awa, ko au

Ko au, te Awa

4. Ngā hapū o Ngāti Hāua all share common whakapapa descent from Ngā Tūpuna – Paerangi, Ruatupua Nui and Hāua. Ngāti Hāua have 26 affiliated hapū within our area of interest (**see map attached**):¹

Ngāti Hāua

Ngāti Whati

Ngāti Tama-o-Ngāti Hāua

Ngai Turi

Ngāti Hauaroa

Ngāti Onga

Ngāti Ruru

Ngāti Hinetakuao

¹ We acknowledge hapū that have shared interests with other iwi as marked with an asterisk.

Ngāti Reremai	Ngāti Te Awhitu	Ngāti Hira	Ngāti Pareuirā*
Ngāti Tū	Ngāti Wera	Ngāti Rangitauwhata	Ngāti Pīkikotuku
Ngāti Hekeāwai	Ngāti Hinewai*	Ngāti Te Huaki	Ngāti Tamakaitoa*
Ngāti Keu*	Ngāti Poutama*	Ngāti Whakairi	Ngāti Pareteho*
Ngāti Kura*	Ngāti Rangitengaue		

5. The 17 Marae that come under the umbrella of Ngāti Hāua are:²

Ngāpuwaiwaha Marae	Te Peka Marae	Rurumaiaketea	Kirikiroa
Wharauoa Marae	Ohura Matua Kore	Whanau Maria	Tieke
Morero Marae	Manaiati	Hia Kaitupeka	Whitianga
Tawhata Marae	Marae kowhai	Pakaitore	Kaiwhakauka

6. Ngāti Hāua Iwi Trust ki Taumarunui (“NHIT”) was established in 2001, to advance and advocate for the interests of Ngāti Hāua iwi, hapū and whānau within our customary rohe. Since its inception, NHIT has represented Ngāti Hāua iwi, hapū and whānau in Waitangi Tribunal processes, Treaty settlement negotiations, Local Council matters including as an iwi authority for Resource Management Act 1991 (“RMA”) purposes, and with respect to Ngāti Hāua interests in the Whanganui River.
7. In 2016, NHIT received a formal mandate to negotiate and settle our treaty claims/grievances with the Crown. These negotiations are ongoing.

NHIT Objectives and Vision

8. In our day-to-day mahi, and when advocating for the interests of our people, NHIT are guided by our vision – NHIT will act with the overarching vision that Ngāti Hāua will be a positive and responsible tribal nation with the capability to act and live as an iwi, that is vibrant, strong, robust, and prosperous; culturally, socially, environmentally, and economically. To achieve that, NHIT are guided by our founding principles:

Mana: Act appropriately together

Ukaipōtanga/Mana Whenua: Whānau, hapū and iwi-place of nourishment and wairua

Whakapapa: Connected by Papatūānuku

Tikanga: Correct customary action

Whānaungatanga: Recognising and respecting relationships

Rangatiratanga: Marae/hapū/iwi-based leadership

Kotahitanga: Unified under an agreed method

² We note this is not an exhaustive list of Marae. We also acknowledge Marae that have shared interests with other iwi as marked with an asterisk.

Te Reo: Use of appropriate language for the occasion
Wairuatanga: Respecting origins and kaitiaki roles and responsibilities
Pūkengatanga: Culturally accountable for financial guardianship
Kaitiakitanga: Repository tikanga and knowledge
Manaakitanga: Providing timely support to each other; hospitality
Tāngata: Past-Present-Future

9. To giving effect to these principles, we hold true to our 'Pou Tikanga':

Ngāti Hāuatanga: To ensure the survival of the Ngāti Hāua iwi identity
Riri Kore: To ensure the continuity of Ngāti Hāua tikanga
Rongo Niu: To hold the Crown to account
Rangitengau: Ngāti Hāua self-determination. Ngāti Hāua solutions for Ngāti Hāua people
Kokako: Uphold our inherent right of kaitiakitanga
Tapaka: Te Ara Whanaunga - Maintain the integrity of our relationship with others
Tamahina: Make decisions based on ancestral precedent (tikanga) and values (Kaupapa)

Context of Submissions

10. This submission is on the Discussion Document 'Te āwhina i te taiao me ngā tāngata kia puāwai | Helping nature and people thrive | Exploring a biodiversity credit system for Aotearoa New Zealand'.
11. The potential development of a BCS in Aotearoa raises significant concerns and implications for the rights, kaitiaki obligations, interests, and values of tangata whenua.
12. This submission is structured as follows:
- (a) Overarching comments;
 - (b) Direct responses to questions posed in the discussion document; and
 - (c) Conclusion.
13. This response is provided without prejudice to legal action Ngāti Hāua Iwi Trust are currently undertaking, or any other claims or allegations made, against the Crown.
14. We have been assisted in the development of our submission by analysis completed by the National Iwi Chairs Forum (**NICF**) technicians, including a template submission which has formed a foundation for expressing our views relevant to the Ngāti Hāua context, tikanga and legislative landscape.
15. We note that we have not been given adequate time and resourcing to firmly provide our position on the discussion documents, nor has there been substantive consultation with us as a whole as to our views. Therefore, this is an interim response, while we continue to engage with our hāpori to reach a more definitive and agreed direction.

OVERARCHING COMMENTS

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

16. In 2017, the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (Te Awa Tupua) was enacted to settle the Te Tiriti o Waitangi grievances in relation to the Whanganui River. Whanganui iwi achieved statutory recognition for their longstanding worldview and values associated with Whanganui River/Te Awa Tupua. This includes the worldview that Te Awa Tupua is made up of its entire catchment including people, forests, lakes, tributaries, wetlands, ground water, flora and fauna.
17. Importantly, Te Awa Tupua protects and recognises:
 - (a) Te Awa Tupua as an indivisible and living whole, comprising the Whanganui River from the mountains to the sea, incorporating all its physical and metaphysical elements. Tupua te Kawa comprises the intrinsic values that represent the essence of Te Awa Tupua;
 - (b) Te Awa Tupua is based on the tikanga and maatauranga of Whanganui iwi;
 - (c) Whanganui iwi have an inalienable interconnection with Te Awa Tupua and its health and well-being and have responsibility to Te Awa Tupua in relation to its health and well-being; and
 - (d) The relationship of Whanganui iwi with Te Awa Tupua is a taonga of Whanganui iwi and Whanganui iwi have responsibilities as tāngata tiaki in relation to the mana and mouri of Te Awa Tupua and the maatauranga that underpins that mana and mouri.

Tupua Te Kawa and Te Awa Tupua Status: Meaning

18. Tupua te Kawa and Te Awa Tupua status are interrelated ideologies that give rise to numerous fundamental tikanga, kawa, values and practical directions. These are contextual matters influenced (in part or in full) by the tikanga and kawa engaged in any particular context.
19. Tupua te Kawa and Te Awa Tupua status arise out of centuries of mātauranga, kawa and tikanga that have evolved to respond to the context and times in which they apply. It is the hapū and/or iwi at place that are best placed to articulate the meaning and extent of Tupua te Kawa and Te Awa Tupua status. This naturally flows from the exercise and maintenance of mana and customary tikanga rights by the hapū and/or iwi at place. The Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 recognises this and provides mechanisms to protect and support this function.

Te Awa Tupua status

20. Te Awa Tupua status comprises recognition of the underlying tikanga meaning of the status of Te Awa Tupua as expressed in sections 12 and 71 of the Act; and the legal personhood declared over the Whanganui River (as defined by the Act and through the tikanga expressed in section 12).
21. The fundamental element of Te Awa Tupua status is the recognition that the Whanganui River is an indivisible whole comprising all its physical and metaphysical elements, of which Whanganui iwi have an inalienable interconnection with. In simple terms:
22. Water connects our environment together and cannot be compartmentalised. Its life supporting qualities are both physical and metaphysical, which creates an indivisible connection both physically and metaphysically. Aspects of the environment contribute to this, including the presence of sites of significance and wāhi tapu.
23. Ngāti Hāua are one in the same with that reality. Te Awa Tupua is us and vice versa. Therefore, an activity or the effects of an activity on the Whanganui River, are directly against us as well. This includes decision that effect Te Awa Tupua.
24. Through that lens, we have significant responsibilities to uphold and must ensure that tikanga prevails when executing those responsibilities.

Tupua te Kawa

25. Tupua te Kawa are described as the intrinsic values that represent the essence of Te Awa Tupua. They should be read in line with the above explanation about Te Awa Tupua status, and within the context they apply, taking into account the environment itself, sites of significance and the interrelationship of iwi and hapū at place to each other and the environment as a whole.
26. Tupua te Kawa summarises key tenets of our environmental ethic that require a case-by-case analysis so they are understood in context.
27. Tupua te Kawa is given in the Act in both English and Te Reo Māori, followed by a brief explanation. To be clear, this is not a simple interpretation or translation format. The English statements attached to each of the Kawa require more than superficial treatment. They provide a platform to assist with understanding the basic intention of the Kawa, to empower the mātauranga of ngā uri o Te Awa Tupua, and care for Te Awa Tupua in its indivisible entirety. In our view, the English text is interconnected to the actual Kawa themselves and should be read within the spirit of the Kawa as a whole.
28. A BCS must be consistent with Te Awa Tupua and recognise and provide for Tupua Te Kawa. To do this successfully, the development of a BCS needs to be dynamic enough to reflect and support the enhancement of

biodiversity at a localised level guided by relevant context. This can only truly be achieved through collaboration with hapū and/or iwi at place to capture the breadth of the values associated with such ecosystems and subsequent biodiversity.

State of Biodiversity

29. Ngāti Hāua agree and recognise that we are experiencing a biodiversity crisis and that there is a need for action. The state of our local ecosystems are in need of help where time and time again we see the protection and enhancement of biodiversity limited by the prioritization of other outcomes (such as development and economic benefit), lack of resourcing and lack of ownership.
30. We see these poor outcomes prevalent in our dynamic rivers such as the Taringamotu and Pungapunga rivers, where assets and poor infrastructure are historically placed nearby these dynamic ecosystems and as a result put at risk. Incentivizing protection and enhancement of biodiversity can alleviate some of the current issues that we face today and would assist in the breadth of other legislative and policy responses (such as the Te Awa Tupua Act and National Policy Statement for Freshwater Management 2020 including Te Mana o Te Wai) achieving outcomes that put the environment first.
31. What is occurring within our catchment, is ignorance to the state of biodiversity and the flow on impacts this has on our ability to source clean water (for use in both physical and spiritual purposes), kai and other traditional resources as well as uphold our whanaungatanga, manaakitanga and katiakitanga obligations. It is vital that any BCS be approached in that way otherwise this risks only scrapping the surface.

Iwi Māori Rights and Interests

32. To provide context for the information presented in this submission, it is imperative to emphasize that Ngāti Hāua rights, interests, and obligations have historical precedence that predates the signing of Te Tiriti o Waitangi. As descendants of Papatūānuku and Ranginui, we are inextricably linked to indigenous flora and fauna through whakapapa. We do not see ourselves as separate from our environment, but an integral and interconnected part. As recognised by the Te Awa Tupua Act.
33. Our cultural identity, practices, wellbeing, and livelihoods are interdependent on our surrounding indigenous biodiversity. Anything that impacts on the health and wellbeing of indigenous biodiversity, has a direct impact on whānau, hapū, iwi including our Māori landowners.
34. We do not believe that the discussion document in its current form correctly represents the importance of Te Ao Māori and Māori rights, responsibilities and interests in this space. An attempt to oversimplify the complexity of outstanding issues and process of decision-making will result in cascading disproportionate impacts on whānau,

hapū, iwi, and future generations. The discussion document fails to recognise this in a substantive and meaningful way that considers the intercultural context between Māori and the Crown.

Te Tiriti o Waitangi

35. Our authority to protect and care for indigenous biodiversity, as determined through our whakapapa, pre-dates Te Tiriti o Waitangi. However, Article two of Te Tiriti further guarantees that we, as tangata whenua, retain Tino rangatiratanga over our lands and other taonga.
36. For generations, indigenous biodiversity has been destroyed, and degraded through the effects of European settlement and the introduction of pest animal and weed species. Throughout our recent history, systems and statutes that directly impact our rights and interests as tangata whenua have been established without us and at our expense. This undermines both our tino rangatiratanga and our role as kaitiaki and is an ongoing breach of the Te Tiriti o Waitangi.
37. A Te Tiriti Compliant BCS must uphold the unique rights, interests, and obligations whānau, hapū and iwi have to taonga species derived from whakapapa and guaranteed under Te Tiriti o Waitangi, including the right to appropriately develop.

Upholding Rangatiratanga and Mana Motuhake

38. Whānau, hapū and iwi as kaitiaki have the full and exclusive decision-making authority to Taonga Māori. Our whakapapa determines our rangatiratanga and mana motuhake, however this is also guaranteed by Te Tiriti o Waitangi, Te Whakaputanga, and subsequent declarations including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
39. To this end, the Waitangi Tribunals Wai 262 Report o Aotearoa Tenei”, should be a leading reference in developing a Tiriti consistent BCS. Any BCS must not prohibit or restrict whānau, hapū or iwi from the use and benefits of our taonga and mātauranga within our own rohe.

Whenua Māori

40. The discussion document recognises that most of the remaining indigenous biodiversity is on whenua Māori. There is over 1.3m ha of Māori land which holds the majority of this country’s indigenous biodiversity outside of the DOC estate.³
41. The historical grievances and barriers to development of whenua Māori have resulted in legacy issues that Māori Landowners are currently faced with. This has left whānau with undeveloped land providing ecosystem services

³ National Iwi Chairs Forum: Ensuring a Te Tiriti o Waitangi Compliant Biodiversity Credit System; June 2023

and carbon sequestration, yet whānau have not been able to receive financial benefit (e.g., pre-1990 forests, protected management areas). Furthermore, biodiversity regulations continue to disproportionately impact Māori Landowners through the introduction of protected management areas (**PMA**) and significant natural areas (**SNA**).

42. Any BCS must ensure fair and equitable benefit sharing for whānau, hapū and iwi to uphold our unique rights and interests and recognise the ecosystem services that whenua Māori has provided Aotearoa to date.
43. A successful BCS must fairly and appropriately incentivise the proliferation of indigenous forests and ecosystems without disproportionately burdening Māori Landowners.
44. Any BCS must be designed to thrive within the diverse contexts of whenua Māori. It should acknowledge the significance of Te Ture Whenua Maori and recognise tribal and ecological territories.
45. The complexities of working with whenua Maori need to be understood and provided for in the development, implementation and/or regulation of a BCS. A 'one size fits all' approach will not work within the context of whenua Māori, and whānau, hapū, and iwi must maintain optionality and tino rangatiratanga in the design, implementation, and regulation of a BCS. These parts must be designed and enabled by the Crown. If the Crown proposes to let the market be designed and implemented by private parties, it is expected that clear expectations on who they operate with Iwi Māori, where and how are defined by us and applied to all practitioners across the BCs irrespective of where they are based. An example of this is the application of Te Mana o te Wai which applies to all water users not just regulators. We will define these parameters in our own specific rohe, and these should be upheld in whatever role the Crown chooses to play in this space.
46. The ownership and governance of whenua Maori is complex and multifaceted, encompassing many structures and entities. Whenua Maori is predominantly characterised by multiple ownership with a range of governance structures and collaborative decision-making processes. This requires meticulous consideration and often time-consuming engagement in determining land-use activities.
47. Page 14 of the discussion document notes that New Zealand could start small and focus on certain ecosystems or activities to pilot a particular approach or to establish the framework which can be applied at a wider scale. Developing and implementing these pilot projects on whenua Māori is essential to allow the holistic and multi-faceted nature of a biodiversity credit system to be explored.

Mātauranga

48. Whānau, hapū and iwi have established practices and knowledge systems, developed over generations of living in harmony with our environment. Any BCS must enable the application of mātauranga of whānau, hapū and iwi to ensure that respective tikanga based decision-making authority is held by traditional knowledge holders.

49. The proposed BCS needs to have integrity in the context of Aotearoa New Zealand. This requires the appropriate and effective integration of local mātauranga, tikanga and kawa into all components of the system so that the BCS is underpinned by Te Ao Māori, including an intergenerational approach to biodiversity management, restoration, and protection.
50. Embedding the mātauranga, tikanga, and kawa of whānau, hapū and iwi into the proposed BCS will support and enable genuine protection and restoration of te Taiao.
51. The successful development of a BCS in Aotearoa hinges on embracing multi-dimensional approaches and outcomes that extend beyond the mere quantification of indigenous biodiversity and encompass both indigenous and western scientific knowledge.
52. The design and implementation of a BCS must ensure that whānau, hapū and iwi are actively supported to grow capacity to enable the application of mātauranga Māori.

Data Sovereignty

53. Measurement, verification and ascertaining results of biodiversity interventions will involve the use of existing, and generation of new data. Some data is already publicly generated and provided, whereas some data may be generated privately as far as it relates to specific private biodiversity initiatives. Data relating to taonga species is Iwi Māori data.
54. Mātauranga shared by Iwi Māori, even if made publicly available, should be subject to whānau, hapū and iwi data sovereignty considerations. If the Government considers it is appropriate to become involved in the market in some form, this will be an important consideration as part of the design of that involvement. We recommend in the interim engaging with Mana Raraunga as crucial in this development.

Collaborative Development

55. We stress the need for the proposed BCS to be built in true partnership with tangata whenua, not only to uphold the principles of Te Tiriti o Waitangi, but to provide for the diverse contexts of whenua Māori, appropriately integrate local mātauranga, tikanga and kawa, and embrace a holistic approach that is firmly rooted in Te Ao Maori principles. Mātauranga houses significant solutions and pathways to addressing the coupled biodiversity and climate crisis. Addressing these overarching comments will require time and resources to be directed towards whānau, hapū, and iwi.
56. The design and implementation of a BCS in Aotearoa has several connections to existing strategic objectives and work programmes currently underway across government agencies, including (but not limited to):

- (a) Aotearoa New Zealand Biodiversity Strategy (Department of Conservation), which envisages that Treaty Partners, whānau, hapū and iwi will exercise their full role as Rangatira and kaitiaki in restoring and building the resilience of indigenous biodiversity and recognises that prosperity is intrinsically linked with a thriving biodiversity.
- (b) Ko Aotearoa Tēnei: Summary of Findings. The Waitangi Tribunal report in 2011 into the Wai 262 claim, recommending wide-ranging reforms to laws and policies affecting Iwi Māori culture and identity and calling for the Crown-Iwi Māori relationship to move beyond grievance to a new era based on partnership.
- (c) National Policy Statement for Indigenous Biodiversity – NPSIB (Ministry for the Environment). Whilst the NPSIB provides opportunity to support tangata whenua aspirations, co-development is necessary to ensure the system is robust enough to enable meaningful action for positive impact for whānau, hapū and iwi. This document requires an implementation plan to be developed and it is expected that this workstream will have significant overlaps into a BCS.
- (d) Te Tumu mō Te Pae Tawhiti (Wai 262) – the Government’s response concerning recognition of taonga and mātauranga Iwi Maori intellectual property regimes.
- (e) Emissions Trading Scheme Review – review of voluntary carbon markets and related workstreams that have implications for existing and prospective uses of whenua Māori.
- (f) International biodiversity obligations e.g., the Convention on Biological Diversity, which commits New Zealand to conserve or protect at least 30 percent of its lands and waters by 2030.

57. Careful consideration of the overlapping workstreams must be designed and implemented in a manner that does not inadvertently impact whānau, hapū and iwi participation or rangatiratanga over our taonga and whenua. This will require inter-agency cooperation and meaningful partnership with Te Tiriti partners to ensure bespoke arrangements are developed to address local and regional variances in cultural and ecological values.

58. collaboration must occur irrespective of whether the market is developed by the Crown or private interests in Aotearoa or overseas. Therefore, any regulation of BCS must ensure that our priorities are met as tangata whenua.

DIRECT RESPONSES TO POSED QUESTIONS WITHIN DISCUSSION DOCUMENT

Question 1 - Do you support the need for a biodiversity credit system (BCS) for New Zealand? Please give your reasons.

59. We believe there is an urgent need for greater investment towards protecting and restoring the health and resilience of the environment. We acknowledge the potential role that a BCS could have in recognising Iwi Māori rights and interests as well as supporting whānau, hapū, and iwi to actively carry out their role as kaitiaki.
60. While we recognise the need for a robust and effective approach to safeguard and enhance indigenous biodiversity, our support for a BCS is conditional upon its development, implementation, and regulation giving effect to the overarching comments mentioned above and the responses provided below.

Question 2 - Below are two options for using biodiversity credits. Which do you agree with?

- (a) *Option A: Credits should only be used to recognise positive actions to support biodiversity.*
- (b) *Option B: Credits should be used to recognise positive action to support biodiversity, and actions that avoid future decreases in biodiversity.*

Please answer (a) or (b) and give your reasons.

61. We support Option A. Our environment is in a state of crisis that requires urgent action to bolster health and resilience of indigenous biodiversity. While Option B proposes the recognition of actions that prevent future declines in biodiversity, it inadvertently perpetuates a narrative that portrays inactions as a valid contribution.
62. We believe that addressing the current environmental crisis demands a focus on incentivizing and rewarding positive actions that actively support and restore biodiversity.

Question 3 - Which scope do you prefer for a biodiversity credit system?

- (a) *Focus on terrestrial (land) environments.*
- (b) *Extend from (a) to freshwater and estuaries (e.g., wetland, estuarine restoration).*
- (c) *Extend from (a) and (b) to coastal marine environments (e.g., seagrass restoration).*

Please answer (a) or (b) or (c) and give your reasons.

63. Option C is the preferable approach for a BCS. It is integral that ki uta ki tai, a whole-of-landscape approach, is fostered in any environmental work. Understanding and managing the holistic and interconnected nature of indigenous biodiversity is integral to environmental protection and restoration.

Question 4 - Which scope do you prefer for land-based biodiversity credits?

- (a) *Cover all land types, including both public and private land including whenua Māori.*
- (b) *Be limited to certain categories of land, for example, private land (including whenua Māori).*

Please answer (a) or (b) and give your reasons.

64. We support a blend of both options. It is preferable to limit the scope of land-based biodiversity credits to certain categories of land, including private land which encompasses whenua Māori as public land often receives substantial investment and resources from the Crown, whereas private land, including whenua Māori, does not have the same access to such support. However, these Crown lands are also the lands of the hapu and iwi who whakapapa to them and in specific circumstances where it is co-led by hapu and iwi, these areas should be included.
65. By concentrating biodiversity credits on private land, we can effectively direct much-needed investment towards areas where it is essential to drive substantial environmental impact. This approach aligns with our commitment to prioritise actions that will have the most significant influence on the health and resilience of indigenous biodiversity.
66. However, if public land was to be considered for BCS, it must be carried out in partnership with Treaty Partners.

Question 5 - Which approach do you prefer for a biodiversity credit system?

(a) Based primarily on outcome.

(b) Based primarily on activities.

(c) Based primarily on projects.

Please answer approach (a) or (b) or (c) and give your reasons.

67. We firmly advocate for approach (b) based primarily on activities, as well as approach (c) based primarily on projects. Our opposition to the outcome-based approach (a) is rooted in its limitations. This approach tends to narrow down the influence of activities by binding them to unit-based metrics, which we believe inadequately capture their full range of impacts on the environment, society, culture, and economy. In Te Ao Māori, we embrace a holistic perspective, recognizing that activities can have intricate and interconnected effects that go beyond Western numerical measurements.
68. We strongly oppose the outcome-based approach as may inadvertently lead to the commodification of taonga species. Focusing on outcomes may result in certain species being treated as more valuable than others which directly conflicts with Te Ao Maori values. Any BCS in Aotearoa must not treat taonga species as a commodity.
69. Furthermore, the outcome-based approach often falls short in two critical aspects. First, it can be challenging to accurately measure the diverse outcomes of many activities, especially when some effects may not become apparent until years or even generations later. Second, it may inadvertently encourage short-term fixes geared

towards achieving quick and measurable outcomes, rather than fostering long-term, comprehensive solutions that require time and dedication.

70. Both activity and project-based approaches allows optionality to align actions with local mātauranga, tikanga, and kawa. This approach grants us the flexibility to report, monitor, measure, identify, and assess progress and outcomes in accordance with our cultural values and aspirations.

Question 6 - Should there also be a requirement for the project or activity to apply for a specified period to generate credits? Please answer Yes/No and give your reasons.

71. We recognize the importance of sustainability and longevity in any project or activity aimed at supporting indigenous biodiversity. Therefore, we lean towards a 'Yes' response to this question. A specified period requirement can help ensure that private investors and project stakeholders remain committed to the long-term health and resilience of our environment.
72. However, we also emphasize that such a requirement must be flexible and adaptable. It should not impede the diverse ways in which whānau, hapū, and iwi seek to achieve their aspirations on whenua Māori.
73. There must be a balance of short, medium, and long-term benefits for biodiversity. As tangata whenua, our kaitiaki obligations are intergenerational. A successful BCS must be designed to be self-sustaining in order to achieve positive outcomes long term for biodiversity but also tangata whenua who continue to remain kaitiaki of whenua and taonga once a project is completed.

Question 7 - Should biodiversity credits be awarded for increasing legal protection of areas of indigenous biodiversity (e.g., QEII National Trust Act 1977 covenants, Conservation Act 1987 covenants or Ngā Whenua Rāhui kawenata? Please answer Yes/No and give your reasons.

74. We do not disagree with providing credits for increasing legal protection of indigenous biodiversity. However, if this is to be the case there needs to be a mechanism to provide credits for existing covenants/kawenata and consideration. Incentives and/or rewards need to be equitable across the board. The introduction of a BCS must allow for existing landowners who are already making efforts to maintain, protect and restore indigenous biodiversity. We also note that being on Maori land is already a protection in itself as can be seen from where the remaining indigenous biodiversity remains. This should be formally recognised in the system, and our lands should not be disadvantaged if we choose not to use these models to protect our activities. A specific model should be developed that works for Māori lands.

Question 8 - Should biodiversity credits be able to be used to offset development impacts as part of resource management processes, provided they meet the requirements of both the BCS system and regulatory

requirements?

75. We oppose the use of biodiversity credits to offset development impacts within resource management processes or any other regulatory process in Aotearoa. Offsets often carry the risk of perpetuating environmental harm while attempting to compensate for it elsewhere. This approach does not align with our values, tikanga, or mātauranga, which is centred on restoring, enhancing, and protecting indigenous biodiversity and ecosystems, rather than allowing any form of degradation. Also, this approach would not adequately address the current ecological and climate challenges that we are currently facing.
76. Rather than permitting offsets, we advocate for a BCS that prioritizes genuine positive actions to support biodiversity within the affected area.
77. However, on Māori lands we recognise the legacy of inequity and so recommend a bespoke arrangement for Te Ture Whenua Māori lands that enable specific offsetting in certain circumstances that enable equitable outcomes.

Question 9 – Do you think a biodiversity credit system will attract investment to support indigenous biodiversity in New Zealand? Please give your reasons.

78. Yes. There is certainly a market for biodiversity credits which has been proven internationally. Positive nature-based solutions with social and cultural co-benefits in particular have succeeded internationally and should be the priority for Aotearoa rather than focusing on politically driven markets.
79. A BCS should allow the design of a system that ensures Maori landowners attract buyers that are aligned with their values. We do not want to be restricted in how we choose those buyers.

Question 10 – What do you consider the most important outcomes a New Zealand biodiversity credit system should aim for?

80. Effective solutions for addressing the current biodiversity crises will require long-term efforts and investment. Our kaitiaki obligations are intergenerational. Therefore, supporting whānau, hapū and iwi to carry out kaitiaki obligations will create long-term positive outcomes for indigenous biodiversity. These activities also support our relationship with taonga species which may include customary harvest. These matters must also be enabled from a healthy BCS outcome.
81. Upholding Te Tiriti o Waitangi and supporting Mātauranga. Mātauranga houses significant solutions and pathways to addressing the coupled biodiversity and climate crisis. This has been recognised through the integration of Te Oranga o te Taiao which acknowledges that all aspects of our wellbeing are dependent on the health of all aspects of the natural world. This concept is grounded in Te Ao Maori and is not new to whānau, hapū and iwi. Mātauranga is essential for genuine and effective protection and restoration of Te Taiao.

Question 11 – What are the main activities or outcomes that a biodiversity credit system in New Zealand should support?

82. It should support:
- (a) Self-sustaining positive nature-based activities and outcomes rather than off-setting and/or politically driven activities. The focus should be on restoring, maintaining and/or protecting indigenous biodiversity.
 - (b) Cultural, social, and economic co-benefits.
 - (c) Building capacity and capability for whānau, hapū and iwi to carry out their kaitiaki obligations, including workforce development, customary harvest, and sustainability.
 - (d) Building capacity and capability for whānau, hapū and iwi to carry out their kaitiaki obligations, including workforce development, customary harvest, and sustainability.
 - (e) Ecological, climate and cultural prosperity.

Question 12 – Of the following principles, which do you consider should be the top four to underpin a New Zealand biodiversity credit system?

83. **Principle 1 – Permanent or long-term (e.g., 25-year impact).** A BCS should be self-sustaining and consider intergenerational decision-making. One-off investments or rewards may leave landowners with liabilities long term. Restoring, maintaining and/or protecting indigenous biodiversity will require ongoing work which will need continual funding.
84. **Principle 2 – Transparent and verifiable claims.** This is preferable over the suggested principle 3 (robust, with measures to prevent abuse of the system) as this reduces over regulation and allows for optionality for different geographic, ecological, social, and cultural contexts. Transparency and validity are essential for a successful BCS. We highlight the need for robust verification standards that are co-developed by tangata whenua and enable mechanisms for mātauranga led monitoring, reporting, identification and assessment of progress and outcomes in accordance with our cultural values and aspirations. Verification standards must consider local, regional, and national application. The level of protection set at these levels must allow Maori landowners, hapū, iwi to participate in a manner that upholds optionality to exercise rangatiratanga and mana motuhake.
85. **Principle 4 – Reward nature positive additional activities.** A BCS must not enable offsetting, except in specific circumstances on Te Ture Whenua Maori land. The design, implementation, and regulation of any BCS must be clear on its purpose so that there is no opportunity for other politically driven matters to overshadow that purpose. The focus should be on restoring, maintaining and/or protecting indigenous biodiversity.

86. **Principle 6 – No double-counting, and clear rules about the claims that investors can make.** This is critical to ensure a robust BCS that results in positive outcomes for indigenous biodiversity.

Question 13 – Have we missed any other important principles? Please list and provide your reasons.

87. Overarching Principle: This should be a principle like Te Oranga o te Taiao, upholding the lives of taonga species for their own benefit and through that principle our role as whanau, hapu, and iwi, in supporting that ecosystem which includes how the system must uphold Te Tiriti o Waitangi.
88. Uphold Te Tiriti o Waitangi and Iwi Maori rights and interests. This is integral to a successful BCS but must not be balanced against competing principles.

Question 14 – What assurance would you need to participate in a market, either as a landholder looking after biodiversity or as a potential purchaser of a biodiversity credit?

89. We would need:
- (a) Direct economic benefits to Whanau, hapu and iwi including Maori landowners and the strict management of intermediaries.
 - (b) Clear and robust verification standards.
 - (c) Transparency in requirements and liabilities for both landholder and purchaser(s).
 - (d) Data sovereignty, particularly regarding taonga Māori.
 - (e) Long-term sustainability.
 - (f) Conflict resolution.
 - (g) Monitoring, evaluation, and adaptive management.
 - (h) Scalability.
 - (i) Options for bespoke arrangements to maintain rangatiratanga and optionality.
 - (j) Tangata whenua buy-in.
 - (k) Te Tiriti compliance.
 - (l) Cultural respect and preservation.

- (m) The ability to credibly market credits under Iwi Māori brands and markets specifically built by us and for us.

Question 15 – What do you see as the benefits and risks for a biodiversity credit market not being regulated at all?

90. In principle we agree that a BCS should have some level of regulation. Risks of no regulation include (but not limited to):
- (a) Te Tiriti non-compliance.
 - (b) Prioritisation and commodification of taonga species.
 - (c) Abuse of the system leading to limited environmental, cultural, and social benefits.
 - (d) Disproportionate negative impacts to Iwi Māori.

Question 16 – A biodiversity credit system has six necessary components (see figure 5). These are: project provision, quantification of activities or outcomes, monitoring measurement and reporting, verification of claims, operation of the market and registry, investing in credits. To have the most impact in attracting people to the market, which component(s) should the Government be involved in? Please give your reasons.

91. The system in Aotearoa needs a further component, Te Tiriti o Waitangi. Verification systems used in all BCS should be developed in partnership with tangata whenua and enable application in accordance with local mātauranga, tikanga and kawa. This needs to be enabled by the Government.

Question 18 – Should the Government play a role in focusing market investment towards particular activities and outcomes and if so why? For example, highlighting geographic areas, ecosystems, species most at threat and in need of protection, significant natural areas, certain categories of land.

92. No. Consideration on particular market activities and outcomes must retain rangatiratanga and optionality for Maori Landowners who are at different scales and stages of development and allow for alignment with cultural and environmental aspirations of whānau, hapū and Iwi. The priority of certain ecosystems is inconsistent with Te Ao Maori values and Te Oranga o te Taiao as all aspects of the natural environment are integral to the health and wellbeing of people.
93. Any government regulation regarding BCS's must not disproportionately impact Māori. To date, Government biodiversity regulations have successively continued to disproportionately impact Iwi Maori as majority of indigenous biodiversity outside of the DOC estate remains on whenua Māori.

94. Focusing on certain categories of land (e.g. erosion prone land) could also disproportionately impact Iwi Māori as majority of Māori-owned land (estimated 80%)⁴ has a Land Use Capability (LUC) classification of 6,7 or 8; with approximately 46% being classified as LUC 7 or 8. A key principle for us is ensuring that our nation's response to the coupled biodiversity and climate crisis does not compound historic injustices on our people and risk a disproportionate impact on our communities, including as it relates to whenua Māori and present or future treaty settlement assets.

Question 19 – On a scale of 1, not relevant, to 5, being critical, should a New Zealand biodiversity credit system seek to align with international systems and frameworks? Please give your reasons.

95. Learnings from international markets should be considered, particularly where there has been involvement with indigenous populations. However, the priority should not be to align with international markets but to build a market that thrives within the diverse, unique context of Aotearoa.

Question 20 – Should the Government work with private sector providers to pilot biodiversity credit system(s) in different regions, to test this concept? If you support this work, which regions and providers do you suggest?

96. Not without whanau, hapu, and iwi. Any pilot must be partnered with whanau hapu and iwi to be agreed and be a determiner of any funding or support. Pilot BCS may be useful, however as stated previously, these should take into account varying circumstances of whenua Māori, tribal and ecological territories.

Question 21 – What is your preference for how a biodiversity credit system should work alongside the New Zealand Emissions Trading Scheme or voluntary carbon markets?

- (a) *Little/no interaction: biodiversity credit system focusses purely on biodiversity, and carbon storage benefits are a bonus.*
- (b) *Some interaction: biodiversity credits should be recognized alongside carbon benefits on the same land, via both systems, where appropriate.*
- (c) *High interaction: rigid biodiversity 'standards' are set for nature-generated carbon credits and build into carbon markets, so that investors can have confidence in 'biodiversity positive' carbon credits.*

Please answer (a) or (b) or (c) and give your reasons.

97. Option b is preferable. A BCS should be considered as another tool to address the coupled climate and biodiversity crisis. We see some benefits with interaction with the ETS however the primary focus should be on

⁴ Unlocking the potential of Māori land: A kaupapa Māori approach to using and developing integrated knowledge, models and tools MPI Link seminar, Wellington, Thursday 4th May, 2017 Garth Harmsworth: https://www.landcareresearch.co.nz/assets/Events/Link-series/Unlocking_Potential_Maori_Land.pdf

positive outcomes for biodiversity and the co-benefits of those actions. Currently the ETS has encouraged a mono-culture approach which can stunt biodiversity outcomes, therefore careful consideration is required to determine how carbon storage benefits are recognized.

Question 22 – Should a biodiversity credit system complement the resource management system? (Yes/No) For example, it could prioritise Significant Natural Areas and their connectivity identified through resource management processes and/or Endangered and at-risk taonga species identified through resource management processes.

98. Yes – A BCS should complement the resource management system through an integrated and holistic approach. However, this should not hinder rangatiratanga and optionality to develop BCS that align with whānau, hapū and iwi values and aspirations. Careful consideration is needed to avoid disproportionate impacts on Māori, as seen in existing resource management processes.
99. Te Oranga o te Taiao recognises that the wellbeing of the environment is directly linked to the wellbeing of people. It also recognises the intrinsic relationship between iwi and hapu and te Taiao. A successful BCS could support tangata whenua to participate in resource management systems in order to uphold Te Oranga o te Taiao.
100. NPSIB implementation. Whilst the NPSIB provides opportunities for tangata whenua to participate in implementation, the lack of capacity remains an issue. A BCS could help support tangata whenua to participate in NPSIB implementation.

Question 23 – Should a biodiversity credit system support land-use reform? (Yes/No) (For example, supporting the return of erosion-prone land to permanent native forest, or nature-based solutions for resilient land use).

101. A BCS could be considered as a solution for current land use issues, however optionality and rangatiratanga must be retained to avoid disproportionate impacts on Iwi Māori who own a high proportion of land currently retaining indigenous biodiversity, but also erosion-prone land (as outlined in clause 9 of this submission).

KUPU WHAKAMUTUNGA / CONCLUSION

102. Any further work to develop a BCS in Aotearoa New Zealand must only be progressed in partnership with tangata whenua and requires the co-development of a comprehensive plan to outline how tāngata whenua will be actively involved and resourced in all processes regarding the scoping, development, implementation, and regulation of a BCS in Aotearoa.
103. Our submission underscores the significance of a collaborative and holistic approach in designing and implementing the proposed Biodiversity Credit System (BCS). As kaitiaki, and landowners, tangata whenua have an intrinsic connection to te Taiao, and our rights, responsibilities, and mātauranga hold the key to effective

conservation and restoration. The BCS offers a transformative opportunity to nurture our environment, empower communities, and honour the principles of Te Tiriti o Waitangi.

104. To ensure the success of a BCS in Aotearoa, it is paramount that the voice and aspirations of whānau, hapū, and iwi, are at the forefront of its development. We emphasize the need to honour the diverse stages and contexts of whenua Māori, acknowledging Te Ture Whenua Iwi Maori and respecting the intricate fabric of land ownership and governance. Integrating Māori-led approaches, mātauranga, and Western science will enrich the BCS with a harmonious blend of perspectives.
105. As we stand at the threshold of this momentous endeavour, we urge policymakers to embrace a system that reflects our unique Aotearoa context. A BCS that embodies kaitiakitanga, empowers communities, and recognizes the interconnectedness of te taiao and tangata whenua will not only safeguard our environment but also honour the legacy of our ancestors and pave the way for a thriving future.
106. In forging this path forward, let us seize the opportunity to weave together our expertise, knowledge, and aspirations. By collaborating authentically and inclusively, we can co-create a BCS that resonates with our identity, sustains our culture, and ensures the prosperity of te taiao for generations to come.

Dated 3 November 2023