

16 July 2019



Chairperson
Environment Select Committee
Parliament Buildings

Te Ohu Kaimoana's Submission to the Environment Select Committee on Climate Change Response (Zero Carbon) Amendment Bill

Introduction

Te Hā o Tangaroa kia ora ai tāua
The breath of Tangaroa sustains us

1. Thank you for providing an opportunity for Te Ohu Kaimoana to provide comment on the Zero Carbon Amendment Bill. It aims to provide a framework for Aotearoa to develop and implement clear and stable climate change policies that contribute to the global effort under the Paris Agreement.
2. We are supportive of reducing Aotearoa's emissions and have a particular interest in how this is achieved. Our main concern, and equally our primary responsibility, is to further the rights (and associated responsibilities) of Iwi in the Māori Fisheries Settlement. Key to this will be ensuring that a partnership approach is taken to the establishment and operation of a Climate Change Commission.
3. Our response is structured as follows:
 - First, we set out who we are and our interests in this context.
 - Second, we describe *Te Hā o Tangaroa kia ora ai tāua* as the foundation of our fisheries management principles.
 - Third, based on the above, we set out preliminary recommendations for the Environment Select Committee to consider.
4. Te Ohu Kaimoana's submission does not usurp the mana of Iwi to make individual submissions. It is also not intended to override or conflict with any responses from Iwi¹.

¹ Our usual approach would be to seek iwi views before making a submission of this nature. Unfortunately, there was not the time to do that in advance of the submission closing date. We intend to further discuss this with mandated iwi organisations.

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About Te Ohu Kaimoana

5. Te Ohu Kaimoana was established to implement and protect the Māori Fisheries Settlement. Its purpose, set out in section 32 of the Māori Fisheries Act 2004, is to “advance the interests of Iwi, individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities, in order to:
 - a. Ultimately benefit the members of Iwi and Māori generally;
 - b. Further the agreements made in the Māori Fisheries Settlement;
 - c. Assist the Crown to discharge its obligations under the Māori Fisheries Settlement and the Treaty of Waitangi, and
 - d. Contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Māori Fisheries Settlement.
6. We work on behalf of 58 Mandated Iwi Organisations (MIOs)², who represent all Iwi throughout Aotearoa. MIOs have approved our Māori Fisheries Strategy and three-year strategic plan, which has as its goal “that MIOs collectively lead the development of Aotearoa’s marine and environmental policy affecting fisheries management through Te Ohu Kaimoana as their mandated agent”. We play a key role in assisting MIOs to achieve that goal.
7. Climate change is likely to affect Māori rights in fisheries. Māori rights in fisheries can be viewed as a share of the productive potential of all aquatic life in Aotearoa’s waters. These rights don’t just involve a right to harvest. They also include using aquatic resources in a way that provides for their social, cultural and economic wellbeing. Iwi have directed us to lead development of national and regional fisheries policy based on Māori values and principles in light of their rights. We are working on how we can best assist Iwi to achieve these objectives in the context of climate change.

We base our advice on *Te Hā o Tangaroa kia ora ai tāua*

8. Iwi/Māori have a unique and inseverable connection with the environment. Our challenge is to ensure that this connection is maintained in a changing climate. *Te Hā o Tangaroa kia ora ai tāua* (the breath of Tangaroa sustains us) is an expression of a Māori World View. It contains the principles we use to analyse modern fisheries policy, and other policies that may affect the rights of Iwi under the Māori Fisheries Settlement. *Te Hā o Tangaroa kia ora ai tāua* is outlined in Appendix A.

² MIO as referred to in The Maori Fisheries Act 2004: in relation to an Iwi, means an organisation recognised by Te Ohu Kai Moana Trustee Limited under section 13(1) as the representative organisation of that Iwi under this Act, and a reference to a mandated Iwi organisation includes a reference to a recognised Iwi organisation to the extent provided for by section 27

9. In essence, *Te Hā o Tangaroa kia ora ai tāua* highlights the importance of an interdependent relationship with Tangaroa, including his breath, rhythm and bounty, and the way those aspects work together to sustain both Tangaroa and humanity in an enduring way.
10. Protection of the reciprocal relationship with Tangaroa is an inherent part of the Māori Fisheries Settlement agreed by Māori and the Crown in 1992. The Māori Fisheries Settlement is an important and relevant part of modern fisheries management for Aotearoa.

Recommendations for the Environment Select Committee

We recommend a general Treaty of Waitangi provision is included in the Bill

11. The current Treaty of Waitangi section, and the proposed amendments through the Bill, are circular and do not provide scope for the Treaty of Waitangi to be interpreted appropriately.
12. We recommend a general Treaty of Waitangi clause similar to section 9 of the State Owned Enterprises Act 1996 which provides:

Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi.

We endorse a partnership approach that allows iwi/Māori to co-design a pathway towards a climate resilient Aotearoa

13. We recommend equal Māori representation in both the nominating committee and the Climate Change Commission (while retaining an expertise-based Commission). This, in combination with the criteria discussed below, would help give effect to the Treaty partnership envisaged by the Treaty of Waitangi.
14. We endorse Part 1A, proposed section 5H(1)(d)(ii) and assume the provision also includes Māori primary sector and Māori commercial interests. However, we also recommend including the following matters within section 5 (H) to ensure Commissioners are aware of these matters:
 - Treaty settlements, including the Māori Fisheries Settlement.
 - Māori strategy and frameworks in a contemporary environment.
15. We recommend that the Climate Change Commission (the Commission) co-design its decision-making processes and operational procedures with iwi/Māori, including but not limited to, the development of Emission Budget Plans, Emission Reduction Plans and National Adaptation Plans.

We endorse the incorporation of Te Ao Māori³ in measures to increase Aotearoa’s resilience to climate change

16. Mātauranga Māori should stand alongside the best available science to inform all decision-making processes and operational procedures of the Commission. This approach will achieve the most effective outcomes for Aotearoa.
17. Decisions set out in the operational procedures should not impede the ability of Māori to exercise kaitiakitanga.
18. The provisions in the Act should meaningfully incorporate the integral role of iwi/Māori in the Commission. To that end we make the following recommendations:
 - In section 5H, we recommend “have regard to” be replaced with “recognise and provide for”
 - In section 5ZN and 5ZQ we recommend “take into account” be replaced with “recognise and provide for”.

These obligations are a vital part of considering the cultural effects of climate change.

We recommend that Treaty of Waitangi settlements be a matter to be included in preparation of risk assessments

19. Section 5ZN outlines matters that must be taken into account in the preparation of national climate change risk assessments. We note Aotearoa’s international obligations are one of those matters. For consistency, we recommend “obligations under Treaty of Waitangi settlements” be included.

Conclusion

20. Solutions to the effects of climate change on the marine environment require collaboration and innovative solutions from all parties. Te Ohu Kaimoana intends to be closely involved in this work as our understanding evolves.
21. We would like to speak to our submission before the committee.

Nāku noa, nā



Dion Tuuta
Chief Executive

³ ‘Te Ao Māori’ in this context is conceptualised as tikanga Māori, te reo Māori, mātauranga Māori

Appendix A: Te Hā o Tangaroa Kia Ora Ai Tāua

WHAKAPAPA
Māori descend from Tangaroa and have a reciprocal relationship with our tupuna.

HAUHAKE
Māori have a right and obligation to cultivate Tangaroa, including his bounty, for the betterment of Tangaroa (as a means of managing stocks) and support Tangaroa's circle of life.

TIAKI
Māori have an obligation to care for Tangaroa, his breath, rhythm and bounty, for the betterment of Tangaroa and for the betterment of humanity as his descendants.

KAI
Māori have a right to enjoy their whakapapa relationship with Tangaroa through the wise and sustainable use of the benefits Tangaroa provides to us.

TE HĀ O TANGAROA KIA ORA AI TĀUA

The concept of "Te Hā o Tangaroa Kia Ora Ai Tāua" underpins the work of Te Ohu Kaimoana.

This statement means "the breath of Tangaroa sustains us" and refers to the ongoing Māori relationship with Tangaroa including his breath, rhythm and bounty.

Recognising our ongoing interdependent relationship acknowledges the Māori worldview that humanity is descended from Tangaroa and all children of Ranginui and Papatuanuku. We are part of the ongoing cycle of life.

The concept of 'Te hā o Tangaroa kia ora ai tāua' is underpinned by whakapapa, tiaki, hauhake and kai.

Whakapapa recognises that when Māori (and by extension Te Ohu Kaimoana as an agent of Iwi) are considering policy affecting Tangaroa we are considering matters which affect our tupuna – rather than a thing or an inanimate object.

We recognise that as descendants of Tangaroa, Iwi Māori have the obligation and responsibility to Tiaki – care for our tupuna so that Tangaroa may continue to care and provide for Iwi.

Our right and obligation of hauhake (cultivation) is underpinned by our tiaki obligations and responsibilities to Tangaroa. Ultimately our right to kai – to enjoy the benefits of our living relationship with Tangaroa and its contribution to the survival of Māori identity – depends upon our ability to Tiaki Tangaroa in a meaningful way.

Te Hā o Tangaroa underpins our purpose, policy principles and leads our kōrero every time we respond to the Government on policy matters. It is important to us that the Government understands the continuing importance of Tangaroa and recognises the tuhonotanga that Māori hold as his uri.

All decisions and advice offered by Te Ohu Kaimoana on fisheries is underpinned by this kōrero to ensure the sustainability of Tangaroa's kete for today and our mokopuna yet to come.