



## Summary of 'Lands, Territories and Resources' in *He Puapua*

The working group on a plan to realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa New Zealand was established in 2019 to provide the Minister of Māori Development with advice and recommendations on how best to progress the Declaration in Aotearoa. The working group were only given 10 weeks to write *He Puapua* on top of their day jobs. We acknowledge their hard work and expertise in the creation of the report.

*He Puapua* provides a vision and roadmap for how the rights in the Declaration and te Tiriti can become a reality for all Māori and all New Zealanders. *He Puapua* calls for constitutional transformation where rangatiratanga and Māori authority over Māori destinies is realised. The working group explains the importance of a careful engagement strategy that involves Māori *leading and designing* delivery of the engagement. They also acknowledge the importance of the Crown developing a holistic and coordinated approach to engaging with Māori on these and other connected issues (WAI 262), so as to avoid 'engagement fatigue'.

***"Our Vision 2040 is one where rangatiratanga is realised, where Māori and the Crown enjoy a harmonious and constructive relationship, and work in partnership to restore and uphold the wellbeing of Papatūānuku, tāngata and the natural environment" (p.4)***

The full report has chronologically organised proposals and actions to be achieved by 2040 for five key themes of discussion - Rangatiratanga, Participation in Kawanatanga karauna, Lands, territories and resources, Culture and Equity. This briefing will focus on *Theme three: Lands territories and resources*. While we acknowledge the connection between all five themes we have chosen to outline the recommendations and findings of specific relevance to the governance of natural resources and the protection of biodiversity in Aotearoa as this aligns with our research with the Biological Heritage National Science Challenge.

### Lands, Territories and Resources

#### Vision:

Iwi lands and boundaries are returned, recognised and appreciated. Mana whakahaere is evident and enlarged and exclusive kawanatanga authority is relinquished. Law and policy supports flourishing iwi territories, managed in accordance with tikanga and mātauranga Māori, as well as a successful bicultural joint sphere. (summarised from p.58)

#### Instruments supporting the vision:

Article 2 of Te Tiriti o Waitangi - Promises the protection of chiefs, subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures.

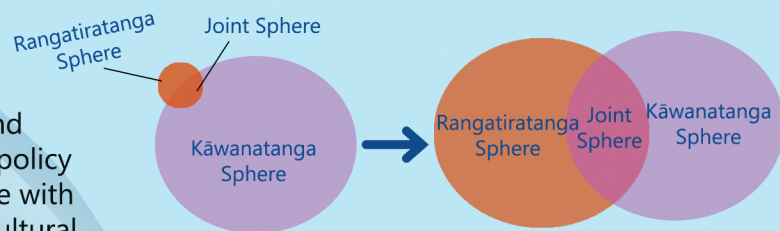
UNDRIP - Indigenous peoples rights in relation to lands, territories and resources are described as the 'heart and soul' of the declaration, connecting to rights of self-determination, participation in decision making, culture, free prior and informed consent and the right to traditional medicines. Articles: 25, 26, 26(2), 26,(3),28(1), 28 (2).

#### Key recommendations for the Vision :

**Systematic resourcing and recognition of Māori rights and responsibilities as kaitiaki, as decision makers and as knowledge holders in the environment is required and legislated for.**

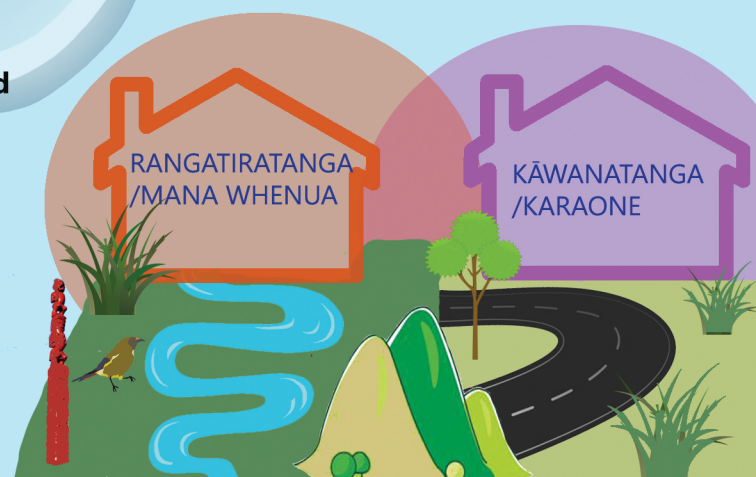
**Power-shifting including delgation, royalties, exemptions and the return of lands.**

**Visibility of Māori authority and culture in the environment, and in its management and caretaking in Aotearoa but also in global negotiations.**



#### Steps in the right direction:

Innovative Treaty Settlements  
Co-governance arrangements  
Kahui Wai Māori  
Legislation/policy reviews  
Waitangi Tribunal reports & recs.  
Ngāi Tai v Conservation Minister  
Iwi plans & reports  
New environmental reports & policy





# Potential Actions for LANDS, TERRITORIES & RESOURCES from *He Puapua*

Note: the below is summarised and directly quoted from page 65 of *He Puapua*.

	Immediate Actions 2020-2022	Mid-point Actions 2023-2035	2040 VISION
CLIMATE CHANGE	<p>"..Scope and analyse data on disproportionate effects of climate change on Māori"</p> <p>Ensure Climate Commission has "...adequate Māori representation"</p> <p>Independent review of Zero Carbon Act to "...ensure Tiriti and Declaration compliance..."</p>	<p>"..prioritise resources for Māori to identify Māori lands and sites of significance (urupā, wāhi tapu, marae) at risk with mitigation and adaptation plans developed and well-resourced"</p> <p>"Iwi/hapū strategic plans: now have new enhanced statutory weighting and effect in law"</p> <p>"...Significantly increased transfer of government powers to iwi/hapū across resource management spectrum (RMA, conservation, fisheries etc)"</p> <p>"...resources available for Māori-led representation in territories"</p> <p>"...strengthen kaitiaki roles and responsibilities in law...for territories"</p> <p>"...prioritising policy and processes that ensure iwi/hapū/whānau can easily access their culturally significant lands...on their own land or on Crown lands"</p>	<p>Iwi rohe/takiwā, lands, territories and resources -</p> <p><b>"-A nation will know and appreciate iwi tribal boundaries, where the practice of mana whakahaere is evident. There will be an enlarged iwi/hapū/whānau estate, supported by significantly increased return of Crown lands and waters, including takutai moana, to Māori ownership (in addition to Treaty of Waitangi settlements)</b></p> <p><b>- Law, policy and processes will support flourishing iwi territories, including where iwi/hapū/whānau can positively contribute towards the control of, access to, and management of all lands and resources within their rohe in accordance with tikanga and mātauranga Māori"</b></p>
TERRITORIES	<p>"Development of Iwi/hapū strategic plans: iwi and hapū are well supported to further develop goals, plans and long-term visions in relation to their lands, territories and resources - in terms of accessing funding this could be an extension of Whānau Ora"</p>	<p><b>Crown land-</b></p> <p>- "Implement policy/legislation to return appropriate public conservation land to iwi/hapū."</p> <p>- "Amend relevant legislation to remove the financial impediments stopping the return of Crown land to Māori"</p> <p><b>Conservation land-</b></p> <p>- "Develop a new form of kaitiaki land title for public conservation lands"</p> <p>- "Entrench joint decision-making with respect to all lands and waters"</p> <p>"RMA reforms made that are consistent with Māori and Waitangi Tribunal recommendations"</p> <p>"...establish a fund for the acquisition of private land of significance for Māori from willing sellers "</p> <p>"...recognise and resolve iwi/hapū customary title and rights in resources including water and minerals by 2025 to iwi/hapū satisfaction..."</p> <p>"...create a Mana o te Wai Commission with Māori co-governance"</p> <p>Bioprospecting "regime in place that protects mātauranga and provides for benefit sharing"</p> <p>"...increased Māori decision-making in trade negotiations to protect resources and associated mātauranga Māori"</p>	<p>Crown lands, territories and resources-</p> <p><b>"-There will be greater relinquishment of Crown assumed exclusive kāwanatanga authority over land, resources and taonga.</b></p> <p><b>- Law, policy, processes and entities will support a successful bicultural joint sphere of governance and management of resources, taonga and Crown lands"</b></p>
LANDS	<p><b>Public conservation lands-</b></p> <p>- "Undertake partial review with Māori leadership of Conservation General Policy and General Policy for National Parks..."</p> <p>- "Investigate options for delivering greater co-governance and co-management, independent of Treaty settlements, including for hapū"</p> <p>- "Advance discussions on Ngā Aitanga ā Nuku agreements..."</p> <p>Review Public Works Act focusing on "...returning of all Crown lands gifted by Māori not being used for the purpose of the original the gift"</p> <p>...Māori voice is prioritised in the review [RMA], consistent with Waitangi Tribunal..."</p> <p>...policy review with the aim to standardise rating practices across New Zealand, including looking at options to put a moratorium on rating of all Māori land"</p> <p>"...Implement freshwater policy reform to give effect to te Mana o te Wai"</p> <p>"NZ Biodiversity Strategy and National Policy Statement – Indigenous Biodiversity: ensure Māori concerns are heard and actioned"</p> <p>"...further explore options to make it easier for customary tools/tikanga to be used as part of a suite of marine protection tools and in decision-making"</p>	<p><b>Crown land-</b></p> <p>- "Implement policy/legislation to return appropriate public conservation land to iwi/hapū."</p> <p>- "Amend relevant legislation to remove the financial impediments stopping the return of Crown land to Māori"</p> <p><b>Conservation land-</b></p> <p>- "Develop a new form of kaitiaki land title for public conservation lands"</p> <p>- "Entrench joint decision-making with respect to all lands and waters"</p> <p>"RMA reforms made that are consistent with Māori and Waitangi Tribunal recommendations"</p> <p>"...establish a fund for the acquisition of private land of significance for Māori from willing sellers "</p> <p>"...recognise and resolve iwi/hapū customary title and rights in resources including water and minerals by 2025 to iwi/hapū satisfaction..."</p> <p>"...create a Mana o te Wai Commission with Māori co-governance"</p> <p>Bioprospecting "regime in place that protects mātauranga and provides for benefit sharing"</p> <p>"...increased Māori decision-making in trade negotiations to protect resources and associated mātauranga Māori"</p>	<p>Crown lands, territories and resources-</p> <p><b>"-There will be greater relinquishment of Crown assumed exclusive kāwanatanga authority over land, resources and taonga.</b></p> <p><b>- Law, policy, processes and entities will support a successful bicultural joint sphere of governance and management of resources, taonga and Crown lands"</b></p>
RESOURCES	<p>"NZ Biodiversity Strategy and National Policy Statement – Indigenous Biodiversity: ensure Māori concerns are heard and actioned"</p> <p>"...further explore options to make it easier for customary tools/tikanga to be used as part of a suite of marine protection tools and in decision-making"</p>	<p><b>Crown land-</b></p> <p>- "Implement policy/legislation to return appropriate public conservation land to iwi/hapū."</p> <p>- "Amend relevant legislation to remove the financial impediments stopping the return of Crown land to Māori"</p> <p><b>Conservation land-</b></p> <p>- "Develop a new form of kaitiaki land title for public conservation lands"</p> <p>- "Entrench joint decision-making with respect to all lands and waters"</p> <p>"RMA reforms made that are consistent with Māori and Waitangi Tribunal recommendations"</p> <p>"...establish a fund for the acquisition of private land of significance for Māori from willing sellers "</p> <p>"...recognise and resolve iwi/hapū customary title and rights in resources including water and minerals by 2025 to iwi/hapū satisfaction..."</p> <p>"...create a Mana o te Wai Commission with Māori co-governance"</p> <p>Bioprospecting "regime in place that protects mātauranga and provides for benefit sharing"</p> <p>"...increased Māori decision-making in trade negotiations to protect resources and associated mātauranga Māori"</p>	<p>Crown lands, territories and resources-</p> <p><b>"-There will be greater relinquishment of Crown assumed exclusive kāwanatanga authority over land, resources and taonga.</b></p> <p><b>- Law, policy, processes and entities will support a successful bicultural joint sphere of governance and management of resources, taonga and Crown lands"</b></p>