



Ministry for the Environment
Te mahere urutaunga ā-motu (tuhinga hukihuki)
draft National Adaptation Plan (& Managed Retreat)

Submission to MfE Building a Climate resilient Aotearoa together

Papa Pounamu Feedback on the draft National Adaptation Plan:
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SUBMITTER INFORMATION

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Papa Pounamu agrees to the publication of this feedback submission on the Ministry for the Environment website, **subject to the removal of the email addresses.**

1. Papa Pounamu acknowledge the opportunity provided by the Ministry for the Environment (MfE) to offer feedback on the Ministry for the Environment Consultation document: Te mahere urutaunga ā-motu (tuhinga hukihuki) draft National Adaptation Plan; April 2022.
2. This submission acknowledges attendees at Papa Pounamu online wānanga on Thursday, 26 May 2022, a registered event on the kaupapa 'Māori Resilience to Natures Challenges – Wānanga Tuatahi', which is the first of a short series of online research workshops being facilitated by Papa Pounamu and the Resilience to Natures Challenges National Science Challenge.
3. The wānanga and the contributions from the attendees are a valuable resource and taonga of knowledge from multiple and diverse whanau, hapū, iwi, Māori perspectives. They do not however, seek to or in any way, provide a substitute for whanau, hapū, iwi engagement by the Crown. Please contact Lara Taylor for further information (details as above).

Introduction

Nā te mea i riro nā te Tiriti o Waitangi i motuhake ai te noho a te iwi me te Karauna: ā, nā te mea e tika ana kia whakaūtia anō te wairua o te wā i riro atu ai te kāwanatanga kia riro mai ai te mau tonu o te rangatiratanga e takoto nei i roto i te Tiriti o Waitangi: ā, nā te mea e tika ana kia mārama ko te whenua he taonga tuku iho e tino whakaaro nuitia ana e te iwi Māori, ā, nā tērā he whakahau kia mau tonu taua whenua ki te iwi nōna, ki ō rātou whānau, hapū hoki, a, a ki te whakangungu i ngā wāhi tapu hei whakamāmā i te nohotanga, i te whakahaeretanga, i te whakamahitanga o taua whenua hei painga mō te hunga nōna, mō ō rātou whānau, hapū hoki: ā, nā te mea e tika ana kia tū tonu he Te Kooti, ā, kia whakatakototia he tikanga hei āwhina i te iwi Māori kia taea ai ēnei kaupapa te whakatinana.

Whereas the Treaty of Waitangi established the special relationship between the Māori people and the Crown: And whereas it is desirable that the spirit of the exchange of kawatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Māori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapū, and to protect wahi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapū: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Māori people to achieve the implementation of these principles

Te Ture Whenua Māori Act 1993 Preamble

4. Te Tiriti o Waitangi (the Māori version) is the text that should be lawfully upheld as per the rule of contra proferentem (in use in 1840 and the present-day). Contra proferentem doctrine (which translates as the "interpretation against the draftsman") is a contractual interpretation that views that, where a term, promise, or agreement is ambiguous, the meaning that is prioritised is the one that works against the interests of the party (the British Crown) who provided the ambiguous

wording to begin with. In other words, the correct meaning of Te Tiriti/The Treaty is the Māori interpretation rather than the British one.

5. Under a tikanga basis (tikanga being the first law of Aotearoa), Te Tiriti reaffirmed the plurality of rangatiratanga (a total political authority/authority over the Māori way of life, and a philosophy of independence) of Māori chiefs. That guaranteed the independence of their respective iwi and hapū, alongside an ambition for interdependence based on Treaty partnership, *“To contemplate forfeiting that independence would have been legally impossible, politically untenable and culturally incomprehensible”* – Moana Jackson, in *Imagining Decolonisation* (2020).
6. The biggest concern for Papa Pounamu, about the draft National Adaptation Plan (NAP) and the wider proposed resource management reforms, is that climate change is synonymous with colonisation. Aotearoa New Zealand is not just one nation. It is a country of multiple tribal nations, with unique identities and kawa, based on whakapapa. Iwi and hapū sovereignty was recognised (and should have been provided for) in Te Tiriti, as well as the aspiration for a partnership or interdependence with the Crown. The independence and self-determination rights of some iwi is beginning to be given effect, regarding management of particular elements. For example, Tuhoe and the Te Urewera Forest under Te Urewera Act 2014, and Whanganui iwi under Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.
7. We ask MfE, why does the Crown recognise the mana motuhake of some iwi and of some natural environment elements, but not others or all? On the one hand, the Crown shows its capacity to understand Te Ao Māori, rangatiratanga, and tikanga. Yet on the other, this understanding is limited and only reserved for ‘special’ cases? This hypocritical and ambivalent behaviour needs to adapt and evolve, to be socially, environmentally and culturally just but also for the benefit of all Aotearoa.
8. Rather than a “draft National Adaptation Plan”, (it is of concern that) this is a MfE, Crown, or New Zealand Government Adaptation Plan. There needs to be a shift away from a singular “national” plan, and provision for multiple adaptation plans that are place, people at place, and context specific.
9. A repetitive response and focus within Papa Pounamu submissions in the RMA Reforms to date is for Crown commitment to Tiriti partnership, which includes through its support, resourcing and funding of engagement and planning **by** whanau, hapū, iwi, **for** whanau, hapū, iwi.

Our offerings

10. The following presents key recommendations for MfE and the draft NAP, which are equally applicable to considerations on managed retreat:

Recommendation 1: That the first adaptation required is of Crown agencies

- a. MfE and all Crown agencies adapt. We (as Māori specialists within resource management – and as whanau, hapū, iwi) seek adaptation and decolonisation of Crown processes and institutions around policy, management and planning.
- b. We seek new processes and institutions that empower and enable whanau, hapū, iwi to determine our own climate resilient futures.
- c. We acknowledge the Rauora Framework, already produced by Ihirangi for MfE, which outlines how this adaptation and decolonisation process and transition to a dual planning, management, and adaptation paradigm could be achieved. The Rauora Framework could be adopted, and used as a guide for establishing a new and improved, decolonised approach that will see whanau, hapū, iwi, communities engaged, working out the best options, and making the best decisions for their people, place, and contexts.

11. Again, in the wise words of our Rangatira, the late Dr Moana Jackson, at the International Indigenous Traditional Knowledge Conference (2010):

"The whole struggle that Māori and Indigenous peoples have had to reclaim their rightful place is first of all about being clear who we are. And that in the end who we are is a matter that only we can define. It is a matter that only we have the right to make decisions about."

Moe mai ra e te Rangatira.

The Rauora Framework provides clear direction for an Aotearoa New Zealand Adaptation Planning approach

The following 'Found poem', *Have a NAP*, is almost entirely structured by words and phrases from the draft NAP and the Rauora Framework. The only additional words are boldened. The guidance that comes from simply reading this poem is but one demonstration of how the Rauora Framework could inform the NAP. The Framework provides a template and guidance for transitioning to a Tiriti-based resource management context, and climate resilient futures as determined by whanau, hapū, iwi (rather than imposed by MfE or local government authorities).

Have a NAP

*Climate change
Emissions
Risk
Costs
Housing
Best intentions aside, the current paradigm is not achieving
Targeted at the wrong thing
Measuring the wrong indicators*

Want a NAP?

*Not the masters of the universe, dominion over all things
Mentality transposed into New Zealand law
From biblical origins
We measure different things*

*Hoki Whenua Mai – Return the land
Advance Constitutional Transition to reaffirm Te Tiriti o Waitangi
Manaaki matauranga Māori – the entire customary system
Whakapiki oranga o te wai ki uta, ki tai
Divest from extractive industries and other demonstrably problematic practices
Relocalise economies, production and consumption
Invest in mahi ngatahi – deep democracy
Design Principles
Localised scenarios – alterNative solutions
Shift economic control to communities
Communities know*

*Tahuhu
Give effect to...
A more holistic approach
A mauri balancing approach*

*An overarching environmental ethic
A view to the entire system
Social justice perspective
Coupled with future oriented thinking*

*Interconnection lens
Intergenerational lens
Indigenous worldview lens
Leveraging of synergies
Identification of patterns, events, and interconnections
Between various systems across multiple scales
And time*

*Policy makers...
Get real and get brutally honest about the root causes
To effectively address the problem
Colonialism and capitalism have laid the groundwork for carbon-intensive economics
Genuine, transformative change will come
When policy makers have the courage
To shift the focus*

*Step away from cherry picking palatable values (like manaakitanga, kaitiakitanga etc)...
Co-designing solutions with hapū/iwi
Full partners at policy decision-making tables
Joint aspirations, unity of purpose
Policy coherence
Transformative actions
Restore abundance
Chart pathways for the future
Rauora*

***Oho,
Time to wake up!***

Recommendation 2: Recognise and support Māori planning capacity

- a. MfE and wider government to support Māori planners and planning for climate resilient futures, through mauri balancing approaches, within their own rohe.
- b. Papa Pounamu are committed to supporting the transition.
- c. There are Māori planners and practitioners throughout Aotearoa, that whakapapa to various hapū and iwi. This is an opportunity for those planners and practitioners to play an important role supporting their whanau, hapū, iwi to plan for their own adaptation for climate resilient futures. PP has ideas for how to help build the capacity and capability, for the next generation of kaitiaki planners and practitioners. For Māori to help their own at home; and for Māori to support the hau kainga, ahi kaa in the rohe they reside if not their own – an approach based on reciprocity, that operates on aroha and gives back to mana whenua for the manaakitanga they show us, as mataawaka living within their rohe.
- d. Papa Pounamu have Māori planners and practitioners in central, regional, and local government; in consultancies; in CRIs; researchers and practitioners in National Science Challenges; in Universities; owners of their own independent consultancies and practices; kaitiaki on the ground, ahi kaa planning and managing by doing; within various industries that require resource management and adaptation; in runanga; on Ahu Whenua Trusts; on various other Trusts. The pool of Māori experts and expertise is growing, and should be acknowledged and supported. Whanau, hapū, iwi do not need MfE and/or other Crown agencies to write a plan to control and manage their adaptation. We already have the Blueprint – it is in our whakapapa, whenua, whanau.

Recommendation 3: Build on and support existing data, tools, frameworks, networks

- a. Central government, utilise the data and frameworks already available as guidance for how to adapt your processes and institutional way of doing things. Use them as a springboard to move forward from, to support planning and action by whanau, hapū, iwi at the regional and local scales, rather than do more stocktakes and desktop research at the national level.
- b. Papa Pounamu in collaboration with the Resilience National Science Challenge have embarked on our own journey of understanding what Māori resilience means for us as planners, practitioners, AND whanau, hapū, iwi. We invited Māori officials from MfE to attend and be involved. We followed up several times with multiple senior managers – however, although there was indication that one official would attend, nobody that identified as MfE attended. While this project, and series of wānanga do not in any way seek to replace or speak for whanau, hapū, iwi throughout

Aotearoa it is still an important conversation that MfE were welcomed to take advantage of, to assist with their drafting of the NAP, and all other related reforms. These wānanga are an opportunity for us as Māori specialists within the resource management context to help cut a pathway for our whanau, hapū, iwi on the ground to be empowered and enabled to determine their own climate resilient futures and adaptation pathways.

- c. No measures or mechanisms such as ‘managed retreat’ should be forced upon any marae, urupa, iwi, hapū or Māori landowner. These decisions are for them/us to make, with the support of agencies should they/we want it. We have attached several high-level outputs from the first wānanga, held last week (Appendix 3). They are only a very preliminary indication of the rich korero and sources of data that could be tapped into. The real ngākau (heart) comes through korero and wānanga (which MfE was invited to participate in). We have chosen not to copy and paste excerpts of our korero for Crown convenience. We do however welcome MfE to contact us for further discussion and/or to request the full video recording, to hear the full breadth and depth of discussion, direction, and leadership amongst those that did attend. We also extend the invitation again, to attend the future wananga in this Māori resilience to nature’s challenges series.
- d. Māori data, geospatial, and other information systems are among the best, are innovative, and are growing. We have a plentiful kete to draw from, and to inform our own adaptation. Including, Māori land information, Māori GIS experts, Māori droners, Māori modellers, Māori engineers, Māori landscape architects, kaitiaki who know their whenua and taonga tuku iho better than any agency or other manuhiri entering their rohe ever will. We are also engaged in our own partnerships and collaborations, with NGOs, agencies, industries and so on. Under our own agreements, and with our own intellectual property and data sovereignty conditions. This is the way we work, and the information sources and expertise that we want to draw on to inform the way that we will absorb, adapt, and transform for our own climate resilient futures.

Recommendation 4: Apply a Tiriti-based approach across all resource management, starting with anything/all things related to the current reforms

- a. Papa Pounamu recognise the opportunity presented by the resource management reforms, and the focus on transitioning from the current mode of practice and economies in Aotearoa, towards mauri balancing, climate resilient policy and futures. The recommendations made above, equally apply to the wider reform context, namely the:
 - National Planning Framework
 - Regional spatial strategies
 - NBA plans.

b. MfE have an opportunity to embed climate resilience not only across government agencies, strategies, and policies (Focus Area 3) but, by adopting a new (decolonised, Tiriti-based) way of working, and adapting institutions (Focus Area 1) to be fit for a changing climate, MfE could also help whanau, hapū, iwi to embed their own climate resilience. This only requires a shift in thinking from a singular national 'climate resilience' approach to multiple climate realities, aspirations, and pathways for adaptation and climate resilient futures. The reforms listed above are sensible mechanisms for enabling this transition within government agencies at central and local levels and embedding the strategies and policies that will empower and enable climate resilience and Tiriti-based futures for all. Likewise, the same is applicable for the other areas that MfE requested feedback on:

- System-wide actions
- The natural environment
- Homes, buildings and places
- Infrastructure
- Communities
- Economy and financial system

Concluding remarks:

All of the Māori specialists and experts that we have referred to in this submission are not just planners, practitioners, thinkers, managers who happen to be Māori. They are intentionally, Māori planners, practitioners, thinkers, and managers. These are the kaimahi, the kaitiaki, who are passionate and committed to a dual resource management and governance paradigm – and who will assist their whanau, hapū, and iwi to transition out of a deficit, colonised system into an empowered, enabled, tikanga and mātauranga based system for our own, self-determined climate resilient futures. A paradigm with dual systems, where Māori can assert rangatiratanga to varying degrees of influence within all spheres as is appropriate. And that involves both tangata tiriti and tangata whenua but is mauri balancing (like Rauora advocates) and operates in aroha and an ethic of restoration and regeneration.

*It's our watch now
The time to make dreams come true
Today is a good day to begin...
~ Witi Ihimaera.*

Appendices:

Appendix 1

A starter list of legislation, frameworks, and guidance that Mfe already has access to, which could be drawn on for transitioning and adapting its own processes and institutions to better empower and enable whanau, hapū, iwi to determine their own climate resilient futures.

- Rauora Framework
- He Whakaputanga o Niu Tīreni 1835
- Te Tiriti o Waitangi 1840
- Iwi planning documents
- Treaty settlement legislation
- Wai262 1991
- United Nations Declaration of the Rights of Indigenous Peoples 2007
- Ko Aotearoa Tēnei: Report on the Wai 262 Claim Released 2011
- Waitangi Tribunal. 2012. “The Stage 1 Report on the National Freshwater and Geothermal Resources Claim. Wai 2358”. Wellington, New Zealand.
- Waitangi Tribunal. 2019. “The Stage 2 Report on the National Freshwater and Geothermal Resources Claims”. Wai 2358. Wellington, New Zealand.
- Numerous other Waitangi Tribunal reports
- Kāhui Wai Māori. 2019. “Te Mana O Te Wai, the Health of Our Wai, the Health of Our Nation”. Report to Hon Minister David Parker, April, 13p.
- Previous submissions by relevant submitters, on related Kaupapa e.g. Papa Pounamu submissions to Mfe.

For a fuller list, including legislation which should not be replicated (such as the classic breach of Māori Tiriti rights, the Tohunga Suppression Act 1907), refer to Papa Pounamu submissions to Mfe RMA Reforms on Natural & Built Environment, 2022 : section 2, Planning and Strategy, submission point 39, p.7. We also note that there is a proliferation of other pieces of legislation that include important clauses and directives for Indigenous peoples, and Māori in particular.

Appendix 2

Selected publications that MfE can access and draw on as a start for transitioning and adapting its own processes and institutions to better empower and enable whanau, hapū, iwi to determine their own climate resilient futures.

- Martin, B., & Te Aho, L. (2021). Ka Māpuna: Towards a rangatiratanga framework for the governance of waterways (pp. 1–104). Response, <http://www.response.org.nz/wp-content/uploads/2021/07/Ka-Ma%CC%84puna-15July21Low-Res.pdf>
- Martin, B., Te Aho, L., & Humphries-Kil, M. (Eds.). (2018). ResponsAbility: Law and Governance for Living Well with the Earth (1st ed.). Routledge. <https://doi.org/10.4324/9780429467622>
- Royal, A. C., Ed. 2003. “The Woven Universe: Selected Writings of Rev. Māori Marsden”. Otaki: Estate of Rev. Māori Marsden.
- Taylor, L., Fenemor, A., Mihinui, R., Sayers, T. A., Porou, T., Hikuroa, D., ... O'Connor, M. (2021). “Ngā Puna Aroha: Towards an indigenous-centred freshwater allocation framework

Environmental Chemist - Contaminated Land Consultant	researcher	Planning and Policy
Iwi Liaison	Ko Māori ahau	Stewardship
Policy annalyst	Climate change planner	Kaitiaki
Planner	University Researcher	planner for PGSE
ResearcherEducatorWhānau, hapū member	Asset and resource management advisor for whenua Māori	Consultant
Engineer designing protection works and evaluating economics of retreat.	kaitiaki	Researcher, engineer
Trustee/Kaitiaki	nature risk management	planner, land owner, marae trustee
Researcher partner collaborator	CDEM team	Pa girl
Planner, researcher, syrayegic advisor maori outcomes council. Live with and in it	planner + marae committee member	



