

Response to RMA National Direction Proposals on:

- **Package 2: Primary sector instruments**
- **Package 3: Fresh water**

To: Ministry for the Environment

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Submitted by: **The Board of Ngā Pou a Tāne, the National Māori Forestry Association**

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Executive Summary

This response is informed by the technical expertise and 100 years of combined experience of the Ngā Pou a Tāne Board.

It addresses the proposals for National Direction from the perspective of Māori landowners with ancestral and forestry interests emphasising that any reforms must strengthen, not weaken, the recognition and protection of tino rangatiratanga and Treaty obligations regarding Māori land rights.

He Rautaki Ngahere Māori 2040, the national Māori forestry strategy, sets out a vision of intergenerational Māori-led development rooted in tino rangatiratanga, tikanga, and climate-resilient forestry systems. These reforms must support—not hinder—the kaupapa Māori approach to forestry articulated in that strategy.

The government's proposals risk creating additional barriers to Māori land development and protection, and undermining the fundamental Treaty promise of full, exclusive, and undisturbed possession of our whenua, kainga and taonga.

Summarising our response:

- Section 1 sets out our view of the Crown's responsibility to Māori landowners (with interests in forests) under Te Tiriti o Waitangi
- Section 2 highlights areas in the discussion documents that will impact Māori interests in forests and forestry
- Section 3 provides our recommendations for mitigations and solutions, at a high level, to the Section 2 listed impacts
- Section 4 states the policy protections that are necessary for afforestation, land development, cultural impact, and landscapes (including SNAs) that aligns with He Rautaki Ngahere Māori 2040
- Section 5 proposes a Tangata Whenua Environmental Stewardship Model with structural accountability measures for genuine constitutionally centred arrangements to better address the freshwater provisions originating from healthy forests
- Section 6 addresses Crown compliance risks that are known to have undermined Treaty settlements that incorporate ex-Crown forest lands impacting on rangatiratanga
- Section 7 promotes a concept for an implementation framework for the RMA proposals that complies with our response

- Appendix A contains notes from one of our face-to-face consultations with MPI (Te Uru Rākau) and MfE

Our response should strengthen any response made by other Māori groups (such as iwi, hapū and whānau, Iwi Chairs, FOMA, Te Tai Kaha etc.) responding against changes to the RMA that would dismantle Te Mana o te Wai from the consenting process.

Members of our Board attended several public consultation sessions across numerous topics and participated in several forums to ensure our position was clear. In general, we feel the level and pace of legislative change proposed under the "National Direction" undermines Te Tiriti o Waitangi as well as principles of good governance and democracy which is unfortunate for the Crown who has both constitutional and legal obligations to Māori landowners. Applying rapid change to 15-18 different pieces of legislation across three broad domains, according to what will benefit only a very narrow range of interests, and removing Treaty clauses that protect collective Māori rights is a gross misjudgement that requires immediate correction.

Where it may be necessary to provide greater clarity, we are available to do so. Ngā Pou a Tāne would appreciate a chance to give an oral response to the Select Committee/s and seeks ongoing engagement in respect to the counter proposals we put forward in this written response.

1. Treaty Foundation and Crown Obligations

1.1 Constitutional Context

Te Tiriti o Waitangi guaranteed our ancestors "te tino rangatiratanga o o ratou whenua o o ratou kainga me o ratou taonga katoa"—continuation of full authority and control over our lands, settlements and treasures. This encompasses:

- Territorial sovereignty over ancestral lands, settlements and resources that we wish to retain, whether in current use or stored for future use
- Decision-making authority regarding land use guided by tikanga
- Cultural and spiritual protection of relationships between our people, customs, lands and resources
- Economic self-determination through land-based enterprises within tikanga frameworks
- Recognition of tikanga as powerful norms influencing behaviour and decision-making

1.2 The Importance of a Quality Process and Evidence-Based Decision Making

When it comes to designing the mechanisms within the reforms, we emphasise the critical inclusion of the intergenerational perspective of our communities as well as the wide, penumbral impact on those communities and future generations of land use regulation. Therefore, we call for each critical stage in the process from original proposal, through research design, to execution to be based on clear, fully informed, genuine involvement of tangata whenua and mātanga (expert) Māori, including but not necessarily limited to the:

- Range of research/work priorities
- Consideration of options developed
- Determination of which options go further

- Use of the best available information
- Science-based research/decision modelling
- Explicit identification of parameters (drivers) and the sensitivity of such to variation.

1.3 Historical Context and Outstanding Obligations

Since 1840, whānau, hapū and iwi have lost approximately 95% of our ancestral estate through Crown mechanisms. The remaining 5% represents the foundation for cultural, spiritual, and economic recovery. Many Treaty settlements contain specific environmental commitments that, as yet, remain unfulfilled by the Crown.

Settlements involving forests typically take decades to complete, with most to date only partially realised. Forestry settlements average 50 plus years to complete, representing \$4.5 billion in currently unrealised economic value and \$9 billion of future potential (using 2024 estimates). Despite the Crown's ongoing legal commitment to full redress, these RMA reforms risk further impacting Māori forestry responsibilities, rights and interests, creating potential for significant economic loss. This constitutes ongoing Treaty breaches and compounds prejudice undermining the Crown's constitutional obligations under Te Tiriti.

Any reformed system impacting Māori land use must actively address and be aware of outstanding Treaty obligations, beyond high level overview, to understand and support the pursuit of mana motuhake to completion, including initiatives outlined in He Rautaki Ngāhere Māori 2040. To prevent future Crown non-compliance, the system has an obligation therefore, to incorporate structural accountability measures, including mandatory reporting requirements, independent monitoring mechanisms, and enforceable completion timelines with ongoing development support for outstanding settlements. In other words, until full redress is realised, the Crown must work with Māori forest and forestry interests through formal constitutionally centred arrangements.

2. Critical Deficiencies in Current Reform Proposals

2.1 Land Use Classification Risks

- May override tikanga-based land use practices
- Could restrict culturally aligned forest development
- Fails to guarantee Māori a determinative voice in classification of ancestral lands

2.2 Afforestation Control Threats

- May limit climate-resilient ngāhere initiatives
- Potentially restricts the rule of tino rangatiratanga: "Nōku te whenua, kei au te kōrero" (the land is mine, the decision is mine)
- Risks imposing external controls over Māori forestry decisions

2.3 Governance Structure Inadequacies

- No guarantee of constitutionally centred (Te Tiriti) arrangements in regional planning
- Risk of limiting Māori to consultation rather than shared decision-making
- Insufficient protection against future Crown non-compliance

2.4 Regulatory Complexity Burdens

- Overlapping frameworks creating disproportionate compliance costs
- Failure to recognise tikanga as alternative regulatory framework
- No provision for culturally appropriate consent pathways

2.5 Outstanding Natural Landscape and Significant Natural Area Threats

Given that the reforms will require national standards for developing and implementing planning provisions such as outstanding natural features and landscapes (ONFs and ONLs) and significant natural areas (SNAs), Māori forestry interests face particular risks:

- **Native forest management** could be restricted even where culturally and ecologically appropriate
- **Exotic forestry operations** on Māori land might face additional constraints
- **Carbon farming initiatives** could be limited by landscape protection requirements
- **Traditional use areas** might be inappropriately classified without cultural input

The proposed national standards for ONL (Outstanding Natural Landscapes), ONF (Outstanding Natural Features), and SNA (Significant Natural Areas) pose significant risks to Māori rights and interests:

2.5.1 Cultural landscape misrepresentation: Western concepts of "natural" and "outstanding" fail to recognise cultural landscapes and wāhi tapu that may not align with, and likely go beyond to value more broadly, conventional scientific assessments.

ONL/ONF designations may affect wāhi tapu, sites of cultural significance, and areas where Māori maintain spiritual connections. These classifications are typically made without adequate consideration of:

- Mātauranga Māori perspectives on what constitutes significance
- Traditional ecological knowledge about landscape values
- Customary relationships between tangata whenua and their ancestral lands
- The difference between "natural" from a Western scientific perspective versus cultural significance from a Māori worldview

2.5.2 Economic development restrictions: SNA designations on Māori land that fail to recognise and understand tikanga yet prioritise non-Māori agendas, some which may even appear well meaning, will limit mana motuhake - Māori Forestry development, Māori carbon farming initiatives, and other culturally aligned economic opportunities, directly impacting the \$13.5 billion in forestry settlement economic potential.

SNAs identified on private property limit new activities and development that can take place on that property, which for Māori landowners could mean:

- Restricted forestry development on ancestral lands
- Limited ability to pursue economic opportunities aligned with cultural values

- Reduced land values affecting intergenerational wealth transfer
- Barriers to implementing initiatives under He Rautaki Ngahere Māori 2040

2.5.3 **Tino rangatiratanga undermining:** External classification of ancestral lands without meaningful Māori leadership and participation violates the principle "Nōku te whenua, kei au te kōrero".

The reforms risk undermining the principle "Nōku te whenua, kei au te kōrero" (the land is mine, the decision is mine) by pulling Māori Forests into a "western" philosophical management vortex between conservation principles and silvicultural (sustainable forestry) principles - from which New Zealand-esque ideals of modern forest management have emerged, and to which Māori had no-to-very-little meaningful opportunity to contribute. Whereas Māori Forestry prefers the rule of tikanga which takes from a universal range of modern and contemporary, and western and Indigenous peoples' forest management options to best suit purpose and responsibility of a Māori landowner stretching far beyond the conventional.

- Imposing external classifications without meaningful Māori participation
- Limiting landowner decision-making authority over ancestral estates
- Creating regulatory frameworks that don't recognise tikanga-based land management
- Potentially overriding Treaty settlement commitments regarding land use rights

2.5.4 **Settlement obligation conflicts:** ONL/ONF/SNA restrictions may conflict with Treaty settlement commitments for economic development and co-management arrangements.

Recent reports indicate the Government's reforms exclude "current RMA requirement to uphold the principles of the Treaty" and focus instead on "property-owners" rights, which could:

- Remove existing Treaty protections in environmental decision-making
- Eliminate requirements for consultation with tangata whenua
- Weaken legal obligations to consider Māori interests in landscape protection

2.5.5 **Mātauranga Māori exclusion:** Assessment criteria fail to integrate traditional ecological knowledge or recognise Māori perspectives on landscape and ecological significance.

The reforms appear to lack process, and participation issues:

- Genuine partnership in defining what constitutes "outstanding" or "significant"
- Integration of mātauranga Māori in assessment criteria
- Recognition that cultural landscapes may not align with Western concepts of "natural"
- Adequate compensation or alternative development pathways for affected Māori landowners.

2.5.6 **Settlement obligations impact:** Many Treaty settlements include specific environmental commitments and co-management arrangements. ONL/ONF/SNA classifications could:

- Conflict with settlement obligations for economic development
- Undermine co-governance arrangements over natural resources
- Create additional barriers to realizing settlement benefits
- Compound existing delays in settlement implementation

Recommendations: To address these concerns, the reforms should:

- Ensure genuine partnership with tangata whenua in defining significance criteria
- Integrate mātauranga Māori into assessment frameworks
- Provide alternative development pathways for affected Māori landowners
- Maintain Treaty obligations and principles in any reformed legislation
- Recognize cultural landscapes as distinct from Western concepts of "natural"
- Ensure ONL/ONF/SNA processes don't undermine existing Treaty settlements

3. Required Fundamental Reforms

3.1 Structural Sovereignty Recognition

Recommendation: Implement appropriate scaffolding – we propose a Tangata Whenua Environmental Stewardship Model - which provides:

- Regional Environmental Authorities with 60% Māori representation
- Territorial Kaitiaki Councils with mana whenua authority
- Binding decision-making powers over environmental matters
- Constitutional protection against unilateral Crown override

3.2 Outstanding Settlement Obligations

Recommendation: The reformed system must:

- Conduct comprehensive audit of unfulfilled Treaty settlement environmental commitments especially those with forest and forestry interests
- Create legal mechanisms ensuring settlement obligations take precedence
- Establish dedicated remediation funding separate from existing settlement packages
- Prevent new environmental decisions that further undermine existing commitments

3.3 Crown Accountability Mechanisms

Recommendation: Establish enforceable accountability through:

- Entrenched legislation requiring bipartisan parliamentary majority to alter Māori environmental authority
- Ring-fenced funding streams bypassing annual budget processes
- Personal liability for Crown ministers who instruct agencies to resist implementation

- International monitoring through UN indigenous rights mechanisms

4. Specific Māori Forestry Protections

4.1 Afforestation Rights Vesting

Recommendation: Legislate that afforestation rights on Māori land are vested exclusively in landowners under "Nōku te whenua, kei au te kōrero" with:

- Recognition of Māori Forestry as a domain – with its own norms, principles, body of knowledge, methods, approaches and values with precolonial tikanga roots being applied to contemporary situations to realise the Total Economic Value of Māori Forests
- No external regulatory override of landowner decisions
- Protection for diverse ngahere-based systems including native and exotic species
- Recognition of cultural and ecological significance of different tree species
- Flexible pathways accommodating tikanga-based decision-making timeframes

4.2 Māori Land Development Pathway

Recommendation: Create specific regulatory framework recognising:

- Unique legal status of Māori land under Te Ture Whenua Māori Act
- Collective nature of Māori land ownership and decision-making
- Expedited consent processes where cultural and environmental criteria are met
- Integration of mātauranga Māori into assessment criteria

4.3 Cultural Impact Integration

Recommendation: Mandate comprehensive cultural impact assessments with:

- Recognition of traditional ecological indicators
- Protection of intellectual property rights over mātauranga
- Funding for iwi/hapū environmental monitoring programmes
- Integration of tikanga-based governance processes

4.4 Outstanding Natural Landscape and Significant Natural Area Protections

Recommendation: Reform ONL/ONF/SNA frameworks to ensure:

- Genuine partnership with tangata whenua in determining rationale and defining significance criteria and assessment processes
- Integration of mātauranga Māori (regardless of others' opinions) into all landscape and biodiversity evaluations impacting whenua Māori
- Recognition of whakapapa landscapes as distinct from Western concepts of "natural"
- Alternative development pathways and compensation for affected Māori landowners
- Alignment with Treaty settlement obligations and co-management arrangements

- Protection for traditional use areas and customary resource management practices
- Exemptions for culturally aligned forestry and restoration activities on ancestral lands

5. Te Mana o te Wai and Resource Rights

5.1 Freshwater Rights Preservation

Recommendation: Strengthen Te Mana o te Wai protections by:

- Maintaining all existing rights under National Policy Statement for Freshwater Management
- Incorporating Te Mana o te Wai as fundamental principle in reformed legislation and cost-benefit analysis to ensure trade-offs do not result in whānau, hapū, iwi, community and future generations paying for commercially driven economic decisions
- Guaranteeing customary water rights and traditional management practices
- Ensuring iwi/hapū participation in all freshwater decision-making

5.2 Biodiversity and Cultural Landscapes

Recommendation: Enable Māori-led biodiversity management through:

- Recognition of cultural significance of native species
- Protection of traditional cultivation and gathering areas
- Support for native reforestation led by Māori landowners
- Provision for ongoing cultural use of protected areas

6. Economic Self-Determination

6.1 Capacity Building Investment

Recommendation: Fund transformational capability development through:

- Māori-centred research and innovation programmes
- Whenua-based workforce and rangatahi development
- Indigenous practice certification and training modules
- Traditional knowledge documentation and language revitalisation

6.2 Regulatory Impact Assessment

Recommendation: Require specific assessment of impacts on:

- Māori land values and development potential
- Traditional economic activities
- Collective decision-making processes
- Intergenerational wealth transfer

7. Implementation Framework

7.1 Immediate Actions Required

1. Establish constitutionally centred arrangements for RMA reform implementation utilising our draft Tangata Whenua Environmental Stewardship Model
2. Conduct Treaty settlement obligations audit with binding remediation timeline
3. Create constitutional protection for Māori environmental authority
4. Vest afforestation rights exclusively in Māori landowners
5. Establish ring-fenced funding for environmental stewardship

7.2 Medium-term Reforms

1. Transfer environmental authority to Regional Environmental Authorities and Territorial Kaitiaki Councils
2. Implement comprehensive accountability mechanisms including international monitoring
3. Create Māori land development pathways with culturally appropriate processes
4. Establish performance monitoring with Crown compliance enforcement

7.3 Long-term System Changes

1. Transition to genuine partnership in all environmental decision-making
2. Recognise Māori environmental sovereignty within ancestral territories
3. Integrate tikanga-based governance into regulatory frameworks
4. Create intergenerational protection for Māori land rights

8. Conclusion

The proposed RMA reforms represent both opportunity and risk for Māori landowners with forestry interests. Current proposals fail to adequately address Crown Treaty obligations or provide structural safeguards against future non-compliance.

The Tangata Whenua Environmental Stewardship Model offers a comprehensive alternative that:

- Recognises Māori sovereignty while creating practical governance frameworks
- Addresses historical Crown non-compliance through enforceable accountability mechanisms
- Provides for genuine constitutionally centred arrangements rather than tokenistic consultation
- Protects Māori land rights while enabling sustainable development
- Integrates tikanga-based decision-making into environmental governance

The time for tokenistic consultation around Māori rights and interests has passed. The future of resource management in Aotearoa New Zealand must be built on Treaty partnership, recognition of tino rangatiratanga, and genuine respect for tangata whenua rights.

We strongly recommend the Crown adopt the Tangata Whenua Environmental Stewardship Model as the framework for reformed environmental governance, ensuring both environmental protection

and meaningful recognition of Māori sovereignty. We respectfully request an opportunity to address the Select Committee with solutions for a joint compact.

This submission is made in the spirit of partnership envisioned by Te Tiriti o Waitangi and in the hope that the Crown will honour its obligations to tangata whenua through meaningful reform that

Appendix A:

RMA reform: NES-CF amendment proposals consultation notes

16 July 2025, 11:00am-12:30pm – discussion with representatives from Ngā Pou a Tāne (MPI Rotorua office)

Attended by: Ngā Pou a Tāne (NPaT): Ramona Radford, Kanapu Rangitauira, Doug Macredie. MPI, Primary Sector Policy: Alastair Cameron, Shannon Tyler, Brigid Preston, Nesta Jones.

- NPaT applies a more global view than individual organisations. They have done a lot to change Wellington thinking in representing Māori land interests. They have a strategy to 2040, which is the date when Māori will control over 50% of the land in forestry. Decisions made in Wellington affects the ability of Māori to earn from, manage and pass on land to future generations. NPaT have a wider technical understanding of the impact of policy and how it works with regard to the effects on Māori landowners, so try to ensure any policy is workable.
- MPI acknowledged NPaT's work with the permanent exotic forest category and ETS exemption from 15,000 hectares provision.
- NPaT discussed their submission on the Climate Change Response (Emissions Trading Scheme—Forestry Conversion) Amendment Bill – Doug has shared slides with the MPI team from his presentation to the Select Committee).
- With respect to council stringency, even though proposals are returning control of afforestation to the national set of rules, MPI acknowledged that there would still be provisions such as Outstanding Natural Landscape and Significant Natural Area (SNA) requirements.
- NES-CF isn't the only consideration for what Māori need to be cognisant of on their land; there are also wāhi tapu, ETS rules, rāhui, QEII covenants, etc. Māori would really like certainty [over the regulatory framework].
- Thinking about self-determination in the context of low viability land and economic future. Māori forest owners have different obligations than other carbon foresters – for example, applying tikanga to any piece of forested land. Need to move beyond a 'reservation' style setting towards plans for development where self-determination is viable. Settled land is very often on the poorer land classes.
- On Treaty settlement lands NPaT questioned what options Māori can have where the effects of extreme weather, markets, and land use change are affecting their [own] decision-making? If land use is restricted by Government decisions, we'd see it as a breach of Te Tiriti. Māori landowners can't be categorised the same as other owners; we are subject to broader tikanga – we go to greater lengths [to manage it according to tikanga] and that is costly.

- EU Deforestation Regulation going in the right direction. ...
- NPaT is in early discussions with other indigenous leadership globally to look to establishing a certification scheme which recognises tikanga – will go beyond current certification schemes and bring indigenous leadership and stewardship to the fore. This model would recognise when profits go back into the land and the people. Some [current forestry] practices have lost favour with the landowners, and the certification model could be applied where land is being harvested as a cutting right on Māori-owned land. It could apply to permanent forest. Note the interest in multiple land uses being part of this conversation (e.g. moving away from single purpose / single use land distinctions). An intergenerational lens means there is a value proposition for forestry. NPaT are working with FSC on this idea.
- Doug raised an NES-CF requirement to have a setback from an SNA (in the context of a specific application he is involved in). Consider that it would be detrimental not to plant right up to the native forest and question why this should be required. He disputes that plantation trees can't be felled without damaging native vegetation, and that damaging native vegetation is necessarily a problem [as it will regenerate].
- 'Afforestation' implies that there have never been trees on the land before. NPaT consider that 'Reforestation' would be more appropriate. Pine has been whangai'ed to the North Island from California.
- Discussed the issue of downwind risk in the wilding risk calculator – that takes a 'farm-centric' approach where NPaT would take a forest-centric approach.
- A Māori land use classification has been discussed and NPaT are interested in exploring it further.