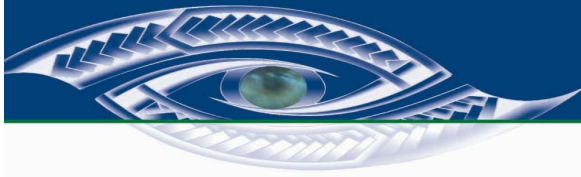


Indigenous Corporate Solutions

Building Partnerships of Value



**Summary of Key Themes from
Emissions Trading Scheme
Consultation Hui with Māori**

February 2008

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Executive summary

"This is one of the most critical issues facing this country and is at least similar to the Rogernomics policies of the 1980s"

Karamea Chris Insley, Managing Director – 37 Degrees South

- **Te Tiriti o Waitangi – rights and impacts upon settlements:** Rights under the Treaty were affirmed and significant concerns were expressed about the government's right to develop this system and the impacts of the Emissions Trading Scheme (ETS) on the value of past settlements or current Treaty negotiations, and the issue of 'good faith' negotiations.
- **Te Tiriti o Waitangi – allocation to Crown Forest License Lands:** The view of Māori is that New Zealand Units (NZUs) should be allocated to Crown Forest Licences (CFL) and that the NZUs should be treated similarly to accumulated rentals from CFL lands. Essentially, once a settling claimant has agreed with either the government or the Waitangi Tribunal on CFL lands, then those settling claimants will receive both the accumulated rental and any New Zealand Units without any reference to or impact on quantum.
- **Forestry-specific issues:** Much of the discussion comprised Māori seeking clarification and a better understanding of the impacts of ETS on equitable treatment, the variety of land ownership arrangements (particularly in relation to Māori freehold land), and the impacts on the various relationships between land owners and owners of forests on that land. There were requests for modelling of the various options to be made available. There were two key issues discussed at the national hui held from October to December 2007. The first for discussion was the possible allocation of New Zealand Units to pre-1990 indigenous forests. It was considered that allocation based on historic deforesting rates would be inequitable and that the allocation set for pre-1990 exotic forests should be adopted. At the very least, the recognition of the value of having indigenous forests needs to be addressed.
- **Recognising and addressing rohe-specific issues:** Many hui focussed on gaining a better understanding of the complexities of the proposed ETS and how it impacts on diverse Māori realities. Every hui noted issues that were specific to their rohe and wanted to know more about the opportunities and risks presented by the ETS in relation to their rohe.
- **Allocating research funds for Māori and rohe-specific issues:** There was a desire for relevant, focussed research to enable Māori to make informed decisions on behalf of their iwi, hapū, shareholders, and future generations.

- **Understanding risks and opportunities in ETS, and issues of timing:** Hui attendees actively sought to understand the opportunities and risks presented by the ETS. This included business and research opportunities, and understanding how to acquire and trade carbon credits domestically and internationally.
- **Consultation process:** The consultation process again came under scrutiny. Some felt that Māori were not being recognised as a Treaty partner. Tight timelines in which to understand and then comment on the ETS and its impact on Māori were also criticised. Also the preference of Rangatira to engage with Ministers with proper operational support (Māori Reference Group) was not recognised by the government.
- **Agricultural sector impacts:** The timing of the entry of the agricultural sector into the ETS was questioned, along with concerns that other sectors may be supporting or subsidising the emissions from the agricultural sector until 2013.
- **General:** There were a number of other key points raised relating to the ability of New Zealand to influence international behaviour, the impact of the ETS on the import/export sector of the New Zealand economy, opportunities around renewable energy generation, the Crown's role in accelerated land conversion, and scepticism about the actual effect of the ETS on households, particularly low-income households.

Introduction

Following the review of the government's climate change policies in 2005 and the dropping of the proposed carbon tax the government via its lead Ministries,¹ unveiled five policy framework discussion documents in February 2007 and embarked on a consultation process. The documents concerned government work programmes on issues such as energy, sustainable land management, and transport and explored alternatives to the proposed carbon tax (such as a more narrowly focused tax, emissions trading, voluntary agreements). In its attempt to meet its responsibilities under the Treaty of Waitangi, the government included as part of its wider consultation a process specifically for Māori that involved 12 regional consultation hui held across the country. The government also convened a Māori representative group made up of participants from the twelve regional hui. Having been presented with the government's agenda, Māori provided their feedback about climate change issues and the solutions proposed by government officials from their own perspectives.

The government, in light of all feedback received on the discussion documents, settled on the Emissions Trading Scheme (ETS) as its preferred response to climate change and the Kyoto Protocol. In October 2007, the government conducted a further 12 consultation hui specifically on the ETS. The proposed ETS addresses some of the major concerns that had been raised during the earlier consultation round, such as the possible inclusion of pre-1990 indigenous forests. The government also heeded the call for better Māori-specific information sharing by commissioning a report: *Māori impacts from the ETS – Interim High Level Findings* by Chris Karama Insley and Richard Meade.² It also supported the participation of Māori Reference Group members at each of the regional hui and supported additional hui for the Māori Reference Group on 25 September and 25 October 2007; a Māori leadership-lea National Māori Climate Change Hui on 3 September and 26 October 2007; a National Māori Forestry Hui on 8 November 2007; and weekly meetings of an executive of Māori Reference Group during October and November. Finally, government support was also provided for the transportation, accommodation and meals for members of the Climate Change Iwi Leadership Group, Maori Reference Group Executive and secretariat to meet with Ministers and attend all national hui including the most recent one held on 18 December 2007.

This report outlines some key themes and notable points that have arisen from the questions, comments, challenges and ideas of key tangata whenua who gave generously of their time to attend each of the 12 consultation hui around the

¹ Ministry for the Environment, Ministry of Agriculture and Forestry, and Ministry of Economic Development.

² Dated 23 October 2007.

country. Our approach is to allow the words of the hui participants themselves to express important points.

Māori are generally supportive of the government now seeing the benefits of a sustainable approach and its attempts to tackle the issue of climate change. Just as they had done in the earlier round of consultation hui concerning climate change generally, Māori continued to make their comments and questions on ETS within a framework of a Māori worldview which is based on a spiritual connection to this earth, and they continue to see the issues as being squarely within the Treaty of Waitangi. Most of the discussions during this round of hui, however, focussed on gaining a better understanding of the complexities of the proposed ETS and how it impacts on diverse Māori realities. The National Māori Forestry Hui held on 8 November was specifically designed for further explanation, modelling, and outlining various options for Māori.

This Summary of Key Themes is not a substitute for the primary sources of information which are the minutes of each hui, including the minutes and recommendations of the National Māori Climate Change Hui on 26 October 2007, the National Maori Forestry Hui on 8 November 2007, and the 2nd National Iwi Leaders Climate Change Hui held on 18 December 2007.

1. Te Tiriti o Waitangi – rights and impacts upon settlements

Rights under the Treaty were affirmed and significant concerns were expressed about the impacts of the ETS on the value of past settlements or current Treaty negotiations, and the issue of 'good faith' negotiations.

1.1 Treaty Rights

Papawai Marae in Greytown is the location of the first parliament, Te Kotahitanga. At the Papawai hui it was said that:

"...there are no rights in carbon, but there are rights in Tane Mahuta, and in Ranginui that puts this issue squarely within the Treaty of Waitangi. We (all) have trampled on Tane, and that is the source of many of our problems."

(Paora Ammunson, Papawai Hui)

Some Māori, however, believe that there is a Treaty right with respect to carbon in the trees:

"The Treaty right issue that has been raised is an important issue. There is an assumption that the Crown has the right to allocate these resources – carbon credits.

When the fisheries dispute arose, the Crown was making fish into a commodity and then allocating it on the assumption that they owned it. This was challenged and we know the result."

(Kathy Ertel, Iwi Leaders National Climate Change Hui, Te Whanganui a Tara)

"The government has demonstrated how it is selective in listening to its Treaty partner and honouring treaty obligations, or indigenous rights. Māori are continuing to be marginalised and we are now going to be at further risk on a global basis. In regards to the little paragraph here on the Treaty [in the Māori fact sheet] it states that the Government does not recognise a Treaty right. I completely disagree and, as kaitiaki and under kaitiakitanga, we should have a greater role and right of participation than what is currently being undertaken."

(Maever Moeau, Tūranga Nui ā Kiwa Hui)

1.2 Negotiations in 'good faith'?

Significant concerns were expressed about the impacts of the ETS on the value of past settlements or on current Treaty settlement negotiations. There were concerns that past Treaty settlement negotiations took place in 'good faith' yet no mention had been made to claimants of the possible impacts of the government's commitments under the Kyoto Protocol, which must have been in the government's contemplation at the time. Some iwi indicated a desire to talk directly with the relevant ministries to address these concerns.

"On 6 February 1999, the Crown stood on our marae and apologised to Ngāi Tahu and acknowledged that they had not acted in good faith. We have read and are very au fait with the papers that will be presented today and again note the Crown has not acted in good faith."

(Mark Solomon, Christchurch Hui)

1.3 Impact of ETS on value of past settlement land holdings

The ETS was asserted as undermining the value of past Treaty settlements because of the impact on land use, particularly where land had been settled on the 'best-use' value regardless of the land use at the time of settlement. For example some iwi such as Ngāi Tahu noted they had settled for ownership in lands currently under forest; however, now liabilities were to be applied in the event of deforestation they penalised the land owner, and this was a point not considered at the time of settling Treaty claims. Without carbon emissions liabilities, replanting in forestry may not be the best economic use of the land by the land owner. However, once carbon emissions are factored in, the economic best use of the land may change from that which was considered 'best' at the time of settlement.

"The big issue here for Māori is that land values continue to appreciate but the relativity clauses with respect to quantum have remained the same. The ability for Māori to purchase Crown Forest Land is being degraded. There is also the issue of the mechanisms by which the ETS and associated carbon credits are included in the overall value of the settlement. This is the creation of a new currency for New Zealand, a currency that was not around when the first Treaty Settlements were concluded."

(Roger Pikia, Tainui Hui)

The uniqueness of those Iwi who have settled and the unique impacts on their ability to develop by deforestation was continually highlighted:

“There is inconsistency from the government officials for those [iwi] who have settled.

Ngāti Awa paid full value for the forest – but the ETS diminishes both our value and our future opportunity.

The flip side to the officials' argument is that you can't value lands at a high price (ie, those who have settled) and then pay them pitifully (in New Zealand Units) for their loss of value and opportunity.

For forest lands, better used for other high-return purposes, it will be difficult if not impossible for Māori to deforest. This is the case for Ngāti Awa and also Ngāi Tahu.

We need to be strategic to ensure that we can embrace those situations like Ngāti Awa and Ngāi Tahu.”

(Paul Quinn, Iwi Leaders National Climate Change Hui, Whanganui a Tara)

2. Forestry-specific issues

Forestry is the first sector to enter the ETS and the majority of discussion at the hui centred on questions about the impact of the ETS on the diverse range of land ownership arrangements that exist, and the variety of relationships between land owners and forestry owners.

There was some disagreement with when the government initially outlined its intention to introduce an emissions trading scheme-like regime:

"There has been reference by you Bryan [Smith] to announcements made by the government since 2002. It seems that you are proposing that these ETS-like proposals have been around since 2002. We [Ngati Awa] have followed those proposals. The proposals in 2002 were quite different to what is being proposed now. What is now being proposed are things not contemplated in 2002. The detail of the ETS has only been available since September (2007) this year. The government can recognise pre-1990 exotic forests if it wants to. It can also comply with its international obligations. But the international obligations to the year 1990 should not be used as an excuse to deny proper recognition of the value of pre-1990 indigenous and exotic forests in this country. Most of the Māori forestry holdings are pre-1990."

(Paul Quinn, National Māori Forestry Hui, Kirikiriroa (Hamilton))

There were requests for modelling of the various options to be made available for land owners to better understand the effects of ETS policies on their situation. It was readily understood that the policies provided an incentive for lands to remain or to revert to forestry use, though this was balanced by a concern if the future price of wood products dropped too low.

"It is very difficult to make the right decision. There is a duty of active protection on government with respect to Māori. It is up to government to advise Māori on the best options for their different land holdings – eg, SILNA lands [South Island Landless Natives Act 1906], lands returned under settlement processes with or without forests, lands where we own the land but don't own the trees. We need to ensure equity exists, what is fair; we need to ensure that we are informed as to the best decision."

(Mike Skerrett, Invercargill Hui)

“A lot of our Tūwharetoa tribal areas have large tracts of undeveloped land, forestry, and indigenous land. What I’m looking for is how can we best incorporate what we’ve heard today into plans for these lands? It appears that what we’re given on one hand will be taken away on the other. I would like to go away with some options as to what we may be able to do with lands like this and with our farms.”

(Jim Maniapoto, Waiariki Hui)

“We have 6000ha of exotic forests that we are locked into as the land is leased out. For us, we know that the land is more profitable and suitable for dairy farming. What is in store for us in the future?”

(Paora Ammunson, Papawai Hui)

“There is an assumption that pine trees are sustainable over time. I think that this is a fallacy. Some of our forests are built on sand dunes which were first stabilised and established by planting lupins. This is not sustainable and when such land is returned under claim settlements we will be limited in our ability to change the land use, even if there is a better land use. I don’t believe that indigenous forests are less effective than pine forests at sequestering carbon. The figures are stacked in favour of production forestry. We have the opportunity to do something visionary here with encouraging the regeneration of indigenous forests. There are too many unanswered questions and local scenarios that have not been considered. I think the timing is too rushed ...”

(Paul White, Whangarei Hui)

2.1 Equity and the proposed inclusion of pre-1990 exotic and indigenous forests

During the hui, the government officials sought specific feedback on whether pre-1990 indigenous forests should be included in the ETS. It was stated by participants that Māori have not had the same access to opportunity to develop land, or the land is still under claim and, in most cases, under forest. Much of the land was noted as being marginal and the harvesting of indigenous forests or land use change has been further constrained by other legislation or policies. So, notwithstanding other environmental or cultural imperatives, any allocation of carbon credits to pre-1990 indigenous forest was considered by some hui attendees to be inequitable if it were based on historical rates of deforestation alone.

"I see that it is being proposed to give 39 carbon credits per hectare, estimated to be worth \$585 for exotic forest, yet it has been stated earlier that the cost of changing from forestry would be around \$13,000 per ha. Those Māori land owners who have not had the funds to clear and farm their land are going to have an additional obstacle put in their way."

(Harvey Bell, Whanganui Hui)

"If we own indigenous forests, then we're already impacted and disadvantaged. We are constrained by legislation and policies limiting the ability of owners to use their land. This seems to be more of the same."

(Dean Walker, Nelson Hui)

"The Prime Minister has gone on record that New Zealand is going to be the first carbon neutral country. That is going to come at a cost. It is likely that the allocation model is going to be inequitable for Māori. The question of indigenous forest inclusion can only be made if there is full knowledge of the model and its implications. The Crown knows what some of the Māori views are on indigenous forests. For Māori the focus is going to be on equity in allocation."

(Roger Pikia, Nelson Hui)

Te Rūnanganui o Ngāti Hikairo provided specific feedback at the Wellington hui on the issue of whether to include indigenous forests in the ETS. Allocation of New Zealand units were requested to be on an equitable land mass basis. So allocation in relation to exotic forests should be equitable with indigenous forests. It was requested that leadership and innovation in this space should not be discounted, and that biodiversity should be celebrated and rewarded, not exploited.

2.2 Allocation methodology – state-owned enterprises to be excluded

It was noted that the Crown would not allocate New Zealand Units to itself for its indigenous forestry on conservation estate. Any allocation methodology that allows a Crown-Government money-go-round was specifically opposed by Te Rūnanganui o Ngāti Hikairo (TRONH). In the Wellington hui, TRNONH opposed state-owned enterprises being eligible to receive any free allocation of NZUs.

2.3 Rewarding the retention of indigenous forests

Views expressed during the earlier consultation round on climate change were reiterated, such as the view that: because Māori continue to own vast amounts of forestland, collectively Māori who have kept their land in forest (especially indigenous forests) must be low emitters, and ought to be rewarded for doing 'the right thing'.

"Our land is in native forests. The government is offering incentives to the polluters, but those of us who have been maintaining forests and doing the right thing – there is no compensation for us..."

(Henare Ratima, Papawai Hui)

2.4 Restraints on Māori land and impacts on economic development

It was the consensus view that the management of Māori freehold land is already less flexible than of non-Māori land and results in an inability to make capital gains on corpus lands. Participants stated that there has been a history of restraints, and just as Māori feel they are turning a corner in terms of economic development, they face further constraints. Māori understood the intent of the policies but noted that the market is not level.

"We lease a lot of Māori land. The costs may end up depressing the rentals that we are able to get, how will that be addressed? A lot of land is already marginal, that may depress it even further... there are timing issues as well for rent reviews... Part of the problem is in Te Ture Whenua Maori Act 1993 [the Maori Land Act] and how it is structured, the Act's emphasis on retention restricts the ability to enter into JVs [joint ventures]".

(Richard Wickens, Māori Trustee Office, Wellington Hui)

The lack of governance and management structures of some Māori land titles, the alienation provisions of the Ture Whenua Māori Act, and the resulting impacts on Māori development were also noted:

"16,000 Māori land titles have no land management structure. A lot of that land is either in indigenous forests, or is marginal land. Credits will attach to that land and no-one is empowered to elect to enter into the regime. There needs to be a manager appointed, possibly the Māori Trustee. If you can't alienate a credit (because of Te Ture Whenua Māori Act definition of alienation), then we won't be in the game at all. These issues have been raised with Te Puni Kokiri, they are on record."

(Paul Morgan, National Māori Forestry Hui, Kirikiriroa)

2.5 Lands in the Department of Conservation estate

“You mentioned the indigenous forests; my understanding is that most of these forests in the North Island are owned by DOC, even though the land is spiritually ours. Do we get the carbon credits off these DOC lands?”

(John McLean, Whangarei Hui)

3. Recognising and addressing rohe-specific issues

Many hui focussed on gaining a better understanding of the complexities of the proposed ETS and how it impacts on diverse Māori realities. Every hui noted issues that were specific to their rohe and wanted to know more about the opportunities and risks presented by the ETS in relation to their rohe.

“The issue in our rohe is that we are an agricultural area and many of our trusts lease the land out and contribute to sustaining the marae so we will need to know how to access the correct information to address the issues.”

(Allie Hemara-Wahanui, Taranaki Hui)

Two strong concerns raised during the ETS consultation were that the government had not addressed the specific issues that had been raised in the earlier consultation hui held in February and March 2007, and frustration of being treated in a pan-tribal manner.

Tony Sewell: Do you have an analysis on the economic impacts of these emissions policies on the Ngāi Tahu Deed of Settlement here today?

Bryan Smith (Ministry of Agricultural and Forests): No we don't have that here today.

Tony Sewell: On that basis I'd like to call this consultation to an end because you are not equipped to deal with Ngāi Tahu. I'm tired of being treated in a pan-tribal manner. We want to be consulted properly with specific responses to the specific issues faced by Ngāi Tahu.”

(Tony Sewell, Chief Executive, Ngāi Tahu Property Limited)

3.1 Māori Reference Group Hui

At the Māori Reference Group Hui on 25 October, representatives outlined the issues that were of concern in their respective regions.

The Ngāi Tahu representatives chose not to be present at the Māori Reference Group hui following the hui with Ngāi Tahu in Christchurch.

In the Far North, transportation is a major issue – the expected increase in liquid fuel costs will affect their many isolated communities, other issues concern road sealing and the need for better collaboration with local government around transport. Papakāinga development and geothermal energy opportunities and incentives were also of interest in the far North.

The representative from Te Tau Ihu, representing iwi from the top of the South Island, reiterated some key concerns that had been prominent features of the earlier consultation hui on climate change generally. It had been argued then that a Māori world view which is holistic, and focuses on caring for our *atua* (which encompass all aspects of our environment), is a model for sustainability and should be accorded higher priority in policy and decision making. It was further advocated that the Treaty of Waitangi obliges the Crown to protect Māori people in the use of their resources to the fullest extent practicable; it should also be better recognised in policy and decision-making on ETS.

For Tāmaki, a major issue is the cost of living and the socio-economic impacts of the policies. Auckland Māori seek stronger collaboration between the various government agencies and local authorities.

The East Coast representative noted that Treaty rights are significant and that there are a number of rohe-specific issues in the areas of deforestation and leases. Tikanga is a major issue as is the concern that the ETS will create a debt regime.

The Waiariki representative noted the view that this rohe reflects the Māori economy as it spans a number of issues that need to be balanced – such as forestry, horticulture, agriculture, and geothermal. Specifically – in terms of free allocation of New Zealand Units – key issues include the need to see equity in terms of indigenous and exotic forests, clarity about where points of obligation fall for both agriculture and forestry, and (because 80% of Crown Forest Lands lie within the Waiariki region) there is a major issue about the New Zealand Units informing land values in the context of Treaty settlements.

They also share concerns regarding transport and are concerned about the impacts of the ETS upon low-income earners and households. In their view, not only are Māori businesses being marginalised, so are Māori people.

The Tainui representative noted, in addition to the issues raise above, that – in terms of consultation – there continues to be frustration about coming to hui and then having to go back and communicate these difficult issues to our people, our land owners. No resourcing has been provided to engage properly with our people in each region.

3.2 Differential regional prices for electricity

It was suggested that some regions, such as Wairarapa, pay higher prices for electricity. This must be taken into account in any assistance package for low-income households, and to consider whether there are other things the government can do to help those houses become more energy-efficient.

4. Allocating research funds to Māori and rohe-specific issues

During the first round of consultation hui on climate change, whilst many Māori were concerned about the impacts of climate change on the environment, there were a large number of requests by Māori for further and better information on the economic impacts and opportunities from the proposed climate change policies that specifically affect Māori. It was said that before Māori could truly engage, they need to know how the policies would affect them and their choices. Such information would enable Māori to make better informed submissions on the policies, and better informed decisions about future land use. This was a point that was picked up again in relation to ETS. The government, in response, commissioned a report entitled *Māori impacts from the ETS – Interim High Level Findings* by Chris Karamea Insley and Richard Meade, which was made available at the National Māori Climate Change Hui held on 26 October 2007.

In the hui, however, it was said that the responsibility of hui attendees making informed decisions on behalf of their shareholders, their iwi and hapū and future generations cannot be overstated. There is a need for targeted research to enable better decision-making:

“... we require more information through research and development before making an informed decision. This decision will impact on future generations and it is our responsibility to make the best decision for ourselves, but not at the expense of other iwi.”

(Selwyn Parata, Ngāti Porou Hui)

“If dialogue is to continue, there must be investment at ground level and adequate information for decisions and policies that will impact on them... Local land owners should have the opportunity to invest into their own local research and be informed, then make the right decisions for their own land.”

(Amohaere Houkamau, Ngāti Porou Hui)

5. Understanding the complexities of ETS and issues of timing

The questions from the hui participants were numerous:

What are the opportunities and risks presented by the ETS? What are the business and research opportunities? What are the tax implications? How do we acquire and trade carbon credits domestically and internationally, or trade on the grey market? What is the life span of a carbon credit unit? How will the price for New Zealand Units be set? Will those prices be vulnerable to manipulation? Who will be liable for Acts of God? Who will monitor and administer the scheme? What's in it for us?

Government officials readily acknowledged the complexity of the ETS, and these questions are indicative of the many questions that were asked about the technical aspects of the ETS. There were a number of requests for further wānanga to consider the implications for specific sectors and situations, and the need for the wānanga set down for 8 November became very clear.

Given the complexities of the ETS, concern was raised regarding the timing of the policy and the preparedness of Māori and the Māori economy to fully participate in the ETS. A deadline of 01 January 2008 for the forestry sector to come into the ETS was considered too soon to enable full understanding of the implications.

"[I note a] concern with the capacity of local land owners to keep up with the sophisticated system for emissions trading that even the government officials express difficulty in articulating. From the perspective of the tangata whenua and land owners, there is concern that they may be penalised in policies that come out of Wellington."

(Amohaere Houkamau, Ngāti Porou Hui)

"Forestry has a one-off allocation and is first into the scheme whereas agriculture comes in to the scheme in 2013 – that gives farmers six years to prepare for these changes. Forestry (which is largely owned by Māori) has just three months to get up to speed with this kaupapa and the legislation changes."

(Tui Hawke, Tāmaki Makaurau Hui)

6. Consultation process

A key feature that emerged from discussions around consultation in the earlier round was the need for ongoing dialogue on the technical and complicated issues involved via a properly resourced consultative forum. The government went some way to supporting this by resourcing the participation of the Māori Reference Group Executive members at each of the ETS regional hui. In addition to the regional hui on ETS, it also supported additional hui for the Māori Reference Group on 25 September and 25 October 2007, a Māori leadership collective on 3 September and 26 October 2007; a National Māori Forestry Hui on 8 November 2007; and weekly meetings of an executive of Māori Reference Group during October and November.

Nevertheless, the consultation process came under scrutiny again. Some felt that Māori were not being recognised as a Treaty partner, and the tight timelines in which to understand and then comment on the ETS and its impact on Māori were also criticised.

"You went back over the themes that arose in the last round of hui, there was very little on what action has been taken. You mentioned Māori as Treaty partners being able to make 'special comment' – but that's not 'partnership'. There is a sense in the documents of tangata whenua being treated merely as a 'special interest group'. Māori want to be heard, want to participate, and want to be able to have concerns noted and addressed once they have been raised, and our ability to do so is effectively marginalised in participation, and especially decision-making."

(Maever Moeau, Tūranga Nui ā Kiwa Hui)

"There has not been engagement at this level with respect to climate change. What process have the ministries here taken to engage with Ngāti Ruanui and Ngā Rauru on climate change under the protocol? Our kaumātua and kuia were down in Wellington recently engaging with ministries and this was not covered."

(Sam Tamarapa, Taranaki Hui)

There was some concern expressed about the lack of government response to points raised in earlier consultation hui.

"This is a hōhā when we come to these hui and there is uncertainty about the Government's response or implementation of the points raised."

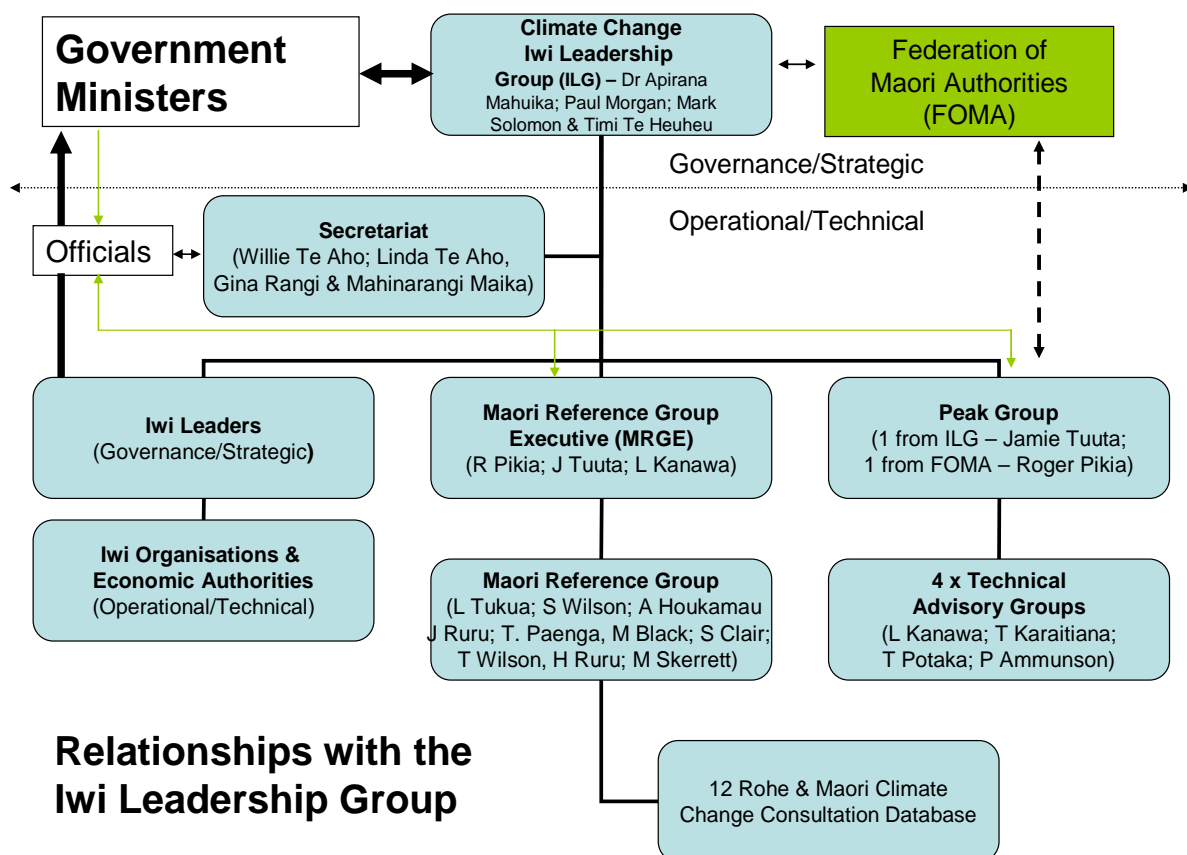
(Melanie McGregor, Nelson Hui)

Many of the hui attendees represented a larger constituency of iwi and hapū members, land owners, and/or Māori business interests and there was concern about not being able to communicate such complicated issues amongst these constituencies.

“My job is to communicate this to the Hauraki people and we need to have a way to do this that gives them confidence.... However, my concern is that, before we can appropriately respond, we must have a clear picture of how this works and what the impacts are going to be on Hauraki and its holdings.”

(Toko Renata, Tainui Hui)

In the absence of proper consultation or engagement, Māori unanimously supported the Climate Change Iwi Leadership Group and the Māori Reference Group/Executive at the national hui held on 26 October 2007, 8 November 2007 and 18 December 2007. The structure that was supported and the inter-relationships are noted in the following diagram:



It was stressed at the most recent national hui, that this engagement needed to be at least as robust for the next sectors that are to be included into the ETS:

“In the north there are a lot of our whanau involved in the farming industry. We need the same rigor and assessment for the farming sector as has been undertaken for the forestry sector.”

*(Raniera Tau, Iwi Leaders National Climate Change Hui,
Whanganui a Tara (Wellington))*

Due to the importance of this issue to Māori, further support was given to a mandated group or forum continuing to engage with the government over the next 10 years:

“On the issue of resourcing, there is a need for a stable group to work this issue through for the next 10-year period which has the support of a big part of the Māori community.”

*(Kathy Ertel, Iwi Leaders National Climate Change Hui,
Whanganui a Tara)*

7. Agricultural sector impacts

In the earlier consultation hui on climate change, a strong view emerged that industries should be treated equitably from the outset, and yet the proposed policies privilege farming.

The timing of the entry of the agricultural sector into the ETS was questioned, along with concerns that other sectors may be supporting or subsidising the emissions from the agricultural sector until 2013. There were also questions around the point of obligation for accounting for carbon emissions. Many hui attendees also acknowledged that they too have interests in the agricultural sector.

"It often seems that the agricultural sector is contributing a lot to the pollution but is being shielded from the effects."

(Alice Anderson, Tainui Hui)

8. General

Other notable issues raised throughout the hui include the following:

- The feasibility of New Zealand's actions being able to influence international behaviour, particularly the behaviour of the superpowers who have yet to commit to the Kyoto Protocol.
- The effect on the New Zealand economy from international issues such as the import of products that do not have an additional 'emissions cost' added to the purchase price. This would enable the product to be sold at a lower price than a domestically produced product that has had to account for an emissions cost.
- Opportunities around renewable energy generation, including the recognition of the carbon uptake of biofuel crops that do not classify as 'trees' under the ETS definition.
- There was some scepticism about the policies with some seeing the ETS as a '*licence to pollute*' (*Lucy Tukua, Tāmaki Makaurau Hui*).
- The significant proportion of the accelerated conversion of forestry land to agriculture by Crown-controlled corporate farms in the central North Island reflected badly upon the Crown's credibility with respect to its position on the ETS. "*Landcorp have already anticipated and responded to the impending policy and we're the losers.*" (*Tiipene Marr, Waiariki Hui*).
- There was concern expressed at the impact of the ETS policies on households. The figure of \$9 per week per household (increase in overall expenses for energy, petrol, food, etc) was treated, at times, with a degree of scepticism. However, even if accurate, it was noted that this increase would still impact on people with lower incomes or from vulnerable households, many of whom are Māori. Comments were also made about the viability of households on low income being able to access electric vehicles, even once the prices for these vehicles were lower.
- As businesses like Fonterra, Sealords, and forestry companies have more pressure on them to become 'clean and green' or else pay more tax, what protections are there for workers so that they will not bear the brunt of the compliance costs? (*Sharon Clair, Vice President, CTU –Wellington Hui*).

9. Outcome of National Hui

The following resolutions were passed unanimously at each of the national hui held on 26 October 2007, 8 November 2007 and 18 December 2007. Although varying degrees of support was provided by Ministry for the Environment, Ministry of Agriculture and Forestry and Te Puni Kokiri for these hui, all hui were called and chaired by the Iwi Leadership Group.

These resolutions should be seen as enhancing what was developed in regional hui, not over-riding them.

MOTION / HUI OUTCOMES – 26 October 2007

1. *“That the participants at this hui support the Māori Leadership Group”*

Moved: Harry Satchell (Potikirua Incorporation)

Seconded: Selwyn Parata (Te Runanga o Ngāti Porou)

CARRIED

2. *“That the participants at this hui support the Maori Reference Group.”*

Moved: Harry Satchell (Potikirua Incorporation)

Seconded: Nigel Baker (Te Matai Lands, Tarawera)

CARRIED

3. *“That the participants at this hui confirm the appointment process for 2 PEAK representatives [as follows]:*

- a. *1 chosen by FOMA*

- b. *1 chosen by Māori Leadership Group*

AND the Māori Reference Group confirm representatives for the PEAK technical subcommittees” .

Moved: Robert Cottrell (Te Awa Hohonu Forest Trust, FOMA)

Seconded: Barney Haami (Whanganui River Maori Trust Board)

CARRIED

4. *“That the participants at this hui support in principle the recommendations from the Maori Reference Group as follows:*
- *Support allocation of New Zealand Units aligned with CFLs to an approved Māori body for immediate use on the condition that the value of the equivalent NZUs will be made available when claimants settle CFL lands.*
 - *Tag part of the use of CFL NZUs specifically for ongoing Māori education and research on the Māori economy as determined by Māori including wananga, Māori trading, Māori science etc.*
 - *Support the increase of NZUs for pre-1990 indigenous forests to the same level as pre 1990 exotic forests for the first commitment period ie, from 8.1m NZUs to 21m NZUs*
 - *Recognise those forest land owners that could not change land use or prepare for deforestation requirements from 2002 by:*
 - *Allocating only 2/3rds of total NZUs for pre-1990 exotic forests pro rata;*
 - *Allocate 1/3rd of pre-1990 NZUs specifically to those forest land owners who, at 2002, could not change their land use or prepare for the deforestation requirements announced initially in 2002.*
 - *Advocate for proper resourcing for the Māori Leadership and Māori Reference Groups to (1) ensure implementation of hui outcomes (2) provide input to draft legislation (3) provide input to ETS design features and (4) the next national hui.*
 - *Advocate for rohe wananga to increase understanding of Māori knowledge of the ETS and its opportunities.”*

Moved: Tupara Morrison (Ngāti Whakaue)

Seconded: Jackie Aratema (Rotoiti 15 Trust)

CARRIED

MOTION / HUI OUTCOMES – 8 NOVEMBER 2007

“That the participants as this hui confirm the resolutions passed at the National Māori Climate Change hui at Ohinemutu on 26 October 2007 with the noted additions outlined at this hui.”

Moved: Jim Edmonds (Morikaunui Incorporation)

Seconded: Paul Quinn (Ngati Awa Group Holdings Limited)

CARRIED

MOTION / HUI OUTCOMES – 18 DECEMBER 2007

“The participants at this hui support the advocacy from the Climate Change Iwi Leadership Group (and the Māori Reference Group) that:

- 1. Stress the loss of development opportunities that all Māori owners of forest land will suffer due to the ETS.*
- 2. Any NZUs for pre-1990 exotic forest lands should be allocated to Crown Forest License lands;*
- 3. Such NZUs should be treated on the same basis as accumulated rental held by the Crown Forestry Rental Trust – on resolving ownership of CFL land, you receive the NZUs or equivalent monetary value over and above any agreed settlement quantum.*

We also support the ILG/MRG:

- 1. Immediately seeking adequate resourcing to ensure the establishment and ongoing operation of our own forum on this kaupapa which includes effective communication with the Crown and Māori on all ETS-related issues including ongoing hui with rohe and iwi leaders.*
- 2. Exploring all legal options to protect and develop the rights of Māori to forestry-related resources, impacts, gas emissions and carbon credits.”*

Moved: Raniera Tau (Ngapuhi)

Seconded: Eddie Matchitt (Te Whanau a Apanui)

CARRIED