

## **Te Aukaha Information Paper # 2 Māori Values and Land**

**The purpose of this paper is to provide background information in respect of Māori values, Māori Land facts, relevant legislation, and organisations. It is provided by Te Aukaha and is part of a series of Information Papers.**

### **Background**

Introduced in October 2019 He Waka Eke Noa – *Primary Sector Climate Action Partnership (HWEN)* is a partnership between Māori, the primary sector and Government who have combined their resources, expertise, and knowledge to develop practical and effective solutions to reduce and offset on-farm emissions. HWEN is made up of thirteen partners lead by a Steering Group and supported by a programme office team. The aim of the programme, by 2025, is that farmers and growers have a written plan to measure and manage emissions; use an agreed system to measure and report on-farm emissions and are incentivised through an emissions pricing system to take action that is in line with legislative requirements.

FOMA represents the Māori partner in the HWEN programme. FOMA was established in 1987 by the Ariki Sir Hepi Te Heuheu to foster the development, sound management, and economic advancement of Māori. Since this time FOMA has led economic and agri-business discussions for Māori where it concerns the management and use of their land and natural resources.

These current programmes which include the HWEN, indigenous biodiversity, essential freshwater policy and RMA reforms will all have a significant impact on land use now and in the future. As a partner to HWEN, FOMA's focus is to prepare Māori agribusiness including farmers, foresters, and growers, for the changes that are impending.

Drawing on its vast network FOMA has convened Te Aukaha which connects and brings together Māori agribusiness experts at a governance, technical and farming level to ensure a traditional Māori perspective is integrated throughout the work that is progressed across the HWEN programme.

### **The Māori Value System**

- Māori refer to treasures that are handed down from generation to generation as taonga tuku iho
- These treasures include Te Taiao which is the broad environmental system, land, and water
- Māori place great value on the protection of these treasures because they are a resource that our lives depend on
- Māori are kaitiaki of the treasures and there is an expectation that when it is their turn to pass on taonga they have protected the resource in a way that their children and grandchildren can enjoy
- Māori have a natural sustainable ethic because of their kinship ties and obligation to look after the environmental system, land, and water.

### **The Whenua**

- Whenua in Māori means the placenta
- All life is seen to be born from Papatuanuku the earth mother
- Māori have strong spiritual bonds to Papatuanuku because she provides unity and identity and sustains life.

## **Māori Land Facts**

- Aotearoa is made up of nearly 27 million ha of land
- According to Māori customary law, land was originally communally owned
- After Te Tiriti o Waitangi was signed in 1840 by 1862 the Crown has acquired roughly two thirds of New Zealand
- The impact of the systematic appropriation of Māori land had a significant impact on the self-esteem, morale, and natural instincts of Māori to manage and nurture their land
- When the land was taken it was the best land and what was left was usually less desirable and highly fragmented
- Nearly 80% of Māori land is of a less versatile land class (class 6, 7 and 8) and many parcels of Māori land are small and fragmented
- Today Māori freehold land comprises a little over 1.7 million hectares
- Nearly 60 percent of Māori freehold land is concentrated in Te Tai Tokerau, Waiariki and Te Tairāwhiti.
- There are 27,137 Māori freehold land titles and approximately 2.3 million ownership interests in those titles
- Māori land is in multiple ownership
- Many Māori landowners live away from their land
- The legislation that administers Māori land is the Te Ture Whenua Māori Act 1993.
- The underlying principles of the Act are the retention of Māori land and land utilization which are two competing principles
- Use of that land is severely restricted by the complexity of the rules, policies, and regulations of the Te Ture Whenua Māori Act 1993.
- Until quite recently it was difficult for Māori landowners to access basic information about their land
- Te Puni Kōkiri, Māori Land Court, Land Information New Zealand and the Ministry of Justice are working together to provide better Māori land Information systems.

## **The Māori Land Court**

- 2020 marks 155 years since the establishment of the Native Land Court in 1865
- Under Māori customary law, land was communally owned
- The Native Land Court set up a system to individualise Māori land titles, to make it easier for Māori land to be sold
- After Te Tiriti o Waitangi was signed in 1840 by 1862 the Crown has acquired roughly two thirds of New Zealand
- This land loss has had a significant negative impact on the social, cultural, and economic success of Māori for generations
- The government amended all reference of Native to Māori in 1947 with the establishment of the Department of Māori Affairs
- The jurisdiction of the Māori Land Court is now directed towards promoting and retention, use and development of Māori land as a taonga tuku iho.

## **The Office of Treaty Settlement**

- The establishment of the Office of Treaty Settlement in 1995 was created to remedy the injustice of alienating Māori from their land however settlements do not provide compensation for the impact of the land loss
- Te Tiriti o Waitangi signed in 1840 and the three articles in brief include:  
Kawanatanga – That the government can govern but is qualified by the obligation to protect Māori interests  
Rangatiratanga – recognized the chieftainship of Māori over their lands, villages, and treasures  
Oritetanga – the government will protect and give the same rights to all the citizens in New Zealand.

## **Te Tumu Paeroa**

- The purpose of Te Tumu Paeroa is to support Māori landowners to protect and enhance their land
- They manage 87,163 ha of Māori land
- They administer 1805 Trusts and other entities
- The number ownership interests they represent is 243,794
- In 2011 they established the My Whenua portal to provide the owners they represent with information relating to their land.

## **The Federation of Māori Authorities**

- The establishment of the Federation of Māori Authorities was initiated by Sir Hepi te Heuheu in 1984 over concerns of the perpetual leases on Māori Reserved Lands
- Sir Hepi and Waaka Vercoe travelled the country to gather support and in 1987 FOMA was established with eleven representatives from across the country
- Since it's establishment FOMA has advocated on behalf of its members on a broad spectrum of issues
- FOMA is the primary sector partner in HWEN to ensure a Māori perspective is integrated into the HWEN work programme.

## **The HWEN Programme – Key messages**

### Values

- Māori operate a value system where consideration for the health and wellbeing of the environment land and water comes first
- Mātauranga Māori comes from a knowledge base of understanding the close connection between people and the natural world and that both suffer if the balance is not maintained
- Whilst philosophically aligned Māori shouldn't carry the disproportionate burden of climate change transition for the country

### Māori Land Tenure

- Significant challenges exist for Māori landowners who manage and administer their lands

- Māori land tenure and interrelationships is complex, these may relate to catchment, tribe, hapu or waka and so the focus of HWEN on the notion of a 'farm' is not inclusive of Māori land owners

## Jurisdiction over Māori land

- Te Ture Whenua Māori Act 1993 is the main law that governs Māori land
- Māori landowners face many challenges with managing their whenua because the system in which they need to operate is complex, with rules and regulations that can be difficult to understand
- The impact of the Act on decision-making is a lengthy process
- Decision making over Māori land is complex because of the requirements of legislation and the alienation of many Māori owners from their land
- Owners who wish to develop their land are required under the Te Ture Whenua Māori Act to notify all the owners and because land is in multiple ownership this is not easy

## Māori Land can never be sold

- Māori land can never be sold so they do not have the choice of opting out and selling their assets like other farmers and growers can
- Māori are locked in to retaining their land so setting new rules and regulations for land use is critical to their livelihood and survival
- The sale of Māori land governed under the Te Ture Whenua Māori Act is subject to several significant restrictions (inalienability), which also include leasing or mortgaging the land. This results in a lack of access to finance or capital to use for land development.

## Asset rich but no cash

- Māori don't farm for capital gain
- Māori landowners have assets but no money
- Environmental regulations may drive land use changes. Because of the nature of Māori land tenure access to finance is difficult so they can adapt and transition to different land use

## Resourcing

- Mātauranga Māori that encompasses traditional Māori concepts must be acknowledged and appropriately resourced to take care of the wellbeing of our Taiao
- Any additional costs arising from an agricultural emissions policy could result in additional barriers for the continued development of iwi/Māori landholdings.
- Policies to drive emissions reductions from the agriculture sector need to take specific consideration of these differences that apply to Māori land tenure, so iwi/Māori landowners and businesses are not disadvantaged
- Government is instrumental in supporting innovative approaches and technologies to ensure Māori transition to a lower carbon economy.

## Te Tiriti o Waitangi

- The promise in 1840 was to recognise the chieftainship of Māori over their lands, villages, and treasures
- Māori must be appropriately resourced to participate as partners with the Crown and Industry to respond to what the Prime Minister describes as the ‘nuclear free moment’ of our generation
- There are 27,137 Māori freehold land titles and approximately 2.3 million ownership interests in those titles
- Many Māori landowners are not always aware of the interests they hold in Māori land because of the antiquated MLC record and communication system
- The requirement of the Te Ture Whenua Act to notify all owners of development have led to significant areas of iwi/Māori owned land being under utilised for agricultural activities

## Climate Policy Change

- Climate policy intervention must give priority to the health and wellbeing of our land, water, and environment.

**Note:** See the Te Mana o te Wai framework which is the fundamental concept for the management of freshwater. It has a hierarchy of obligations which says –

The first principle has to be about ensuring the life supporting capacity of the water and once that is taken care of the second priority is to ensure adequate and safe supply of water for domestic use in our communities and the third obligation is that water is available for other consumptive uses.

This is an example of a Mātauranga Māori and concept that puts the wellbeing of our water first.

## Acknowledgement

We would like to acknowledge Lynn Harrison for the compilation of this paper.

## Further Information

Te Aukaha has developed a Te Ao Māori Framework together with position papers on the key issues within the HWEN Programme, our climate change perspective is reflected within the FoMA Submission to the Climate Change Commission.

You can find that information here [FOMA He Mahere Taiao Framework](#)

## Contact:

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