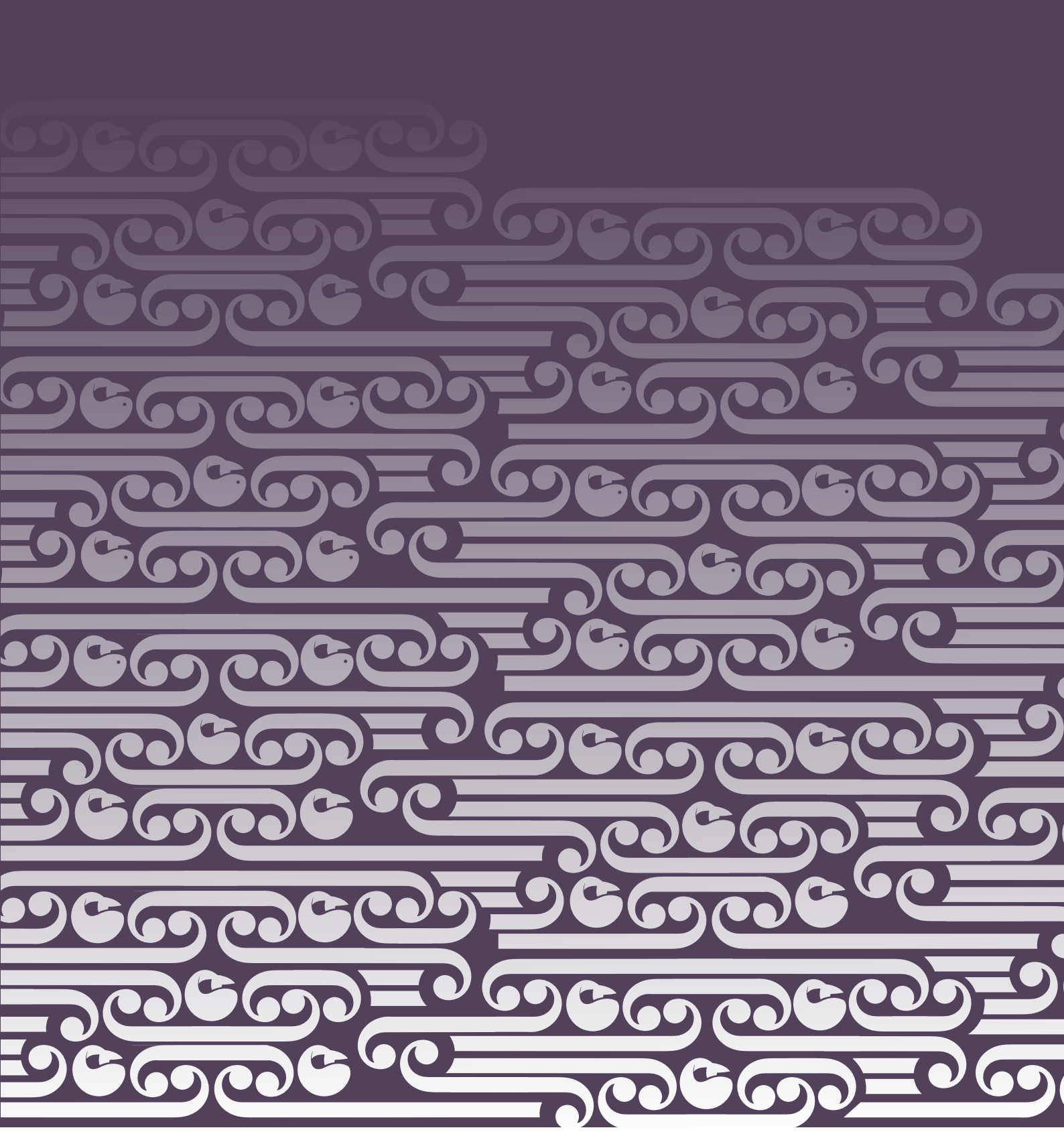

Te Ohu Kaimoana's Response to New Zealand's draft 6th National Report under the Convention on Biological Diversity (CBD)

Te Ohu Kaimoana

Contents

Introduction 3

Who we are **3**

1.0 - Guiding Principles **4**

1.1 - Te Hā o Tangaroa ki ora ai tāua 4

1.1.1 Tangaroa 4

1.1.2 Te Hā 5

1.1.3 Purpose and Policy Principles 5

2.0 - Our perspective **6**

2.1 - General comments 6

2.2 - The basis for measuring progress 6

2.3 - Specific national targets from the Biodiversity Action Plan 2016 - 2020 7

2.4 - Aichi targets 17

2.5 - Process – iwi co-developing the next strategy and Te Ohu Kaimoana's expectations 20

Introduction

Te Ohu Kaimoana welcomes the opportunity to respond to the Department of Conservation's (DOC) New Zealand's draft 6th National Report under the Convention on Biological Diversity (CBD).

Who we are

Te Ohu Kaimoana was established to implement and protect the Fisheries Settlement. Its purpose, set out in section 32 of the Māori Fisheries Act 2004, is to "advance the interests of Iwi, individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities, in order to;

- ultimately benefit the members of Iwi and Māori generally; and
- further the agreements made in the Deed of Settlement; and
- assist the Crown to discharge its obligations under the Deed of Settlement and the Treaty of Waitangi; and
- contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement."

Te Ohu Kaimoana works on behalf of 58 MIOs, who in turn represent all Iwi who own the Fisheries Settlement Commercial Assets. AHCs hold Fisheries Settlement Assets on behalf of their MIOs. These include Individual Transferable Quota (ITQ) and shares in Aotearoa Fisheries Limited which, in turn, owns 50% of the Sealord Group.

Te Ohu Kaimoana works on priorities agreed by MIOs to protect and enhance the Settlement by providing policy advice for Iwi. Iwi have identified the review of sustainability measures as critically important to their long-term relationship with Tangaroa. MIOs have also have approved a Māori Fisheries Strategy and three-year strategic plan for Te Ohu Kaimoana, which has as its goal "that MIOs collectively lead the development of Aotearoa's marine and environmental policy affecting fisheries management through Te Ohu Kaimoana as their mandated agent."

Noho ora mai rā,

Dion Tuuta
Te Mātārae - Chief Executive
Te Ohu Kaimoana

1.0 - Guiding Princples

1.1 - Te Hā o Tangaroa kia ora ai tāua

1. Prior to the colonisation of Aotearoa by the British Crown, Māori enjoyed complete authority over their fisheries resources. Te Ao Māori's relationship with Tāngaroa, and ability to benefit from that relationship, was and remains underpinned by whakapapa – descent from Ranginui, Papatūānuku and their children.

2. The signing of Te Tiriti o Waitangi in 1840 affirmed Māori tino rangatiratanga over their taonga including fisheries which was an essential affirmation of the traditional Māori world view. This world view endures in the modern day. Te Tiriti o Waitangi and the 1992 Maori Fisheries Settlement are built on a much deeper foundation of Māori whakapapa connection to and relationship with Tangaroa.

3. In the modern context, when considering or developing fisheries-related policy, Te Ohu Kaimoana is guided by the principle of 'Te Hā o Tangaroa kia ora ai tāua' - the breath of Tangaroa sustains us. In this context Tangaroa is the ocean and everything connected to and within, on and by the ocean. This connection also includes humanity, one of Tangaroa's descendants.

4. Ko 'Te hā o Tangaroa kia ora ai tāua', highlights the importance of an interdependent relationship with Tangaroa, including his breath, rhythm and bounty and how those parts individually and collectively sustain humanity. The guiding principles underpinning 'Te hā o Tangaroa kia ora ai tāua' highlight how we ensure that we foster and maintain our relationship with Tangaroa.

1.1.1 - Tangaroa

5. Tangaroa is the God of the Sea and everything that connects to the sea. He is the divinity represented through Hinemoana (the ocean), Kiwa (the guardian of the Pacific), Rona (the controller of the tides – the moon) and the connection with other personified forms of the Great Divine. For some tribes, he is also the overlord for all forms of water, including freshwater and geothermal as well as saltwater.

1.1.2 - Te Hā

6. Te Hā means, breath and to breathe. Te Hā o Tangaroa represents the breath of Tangaroa, including the roar of the ocean, the crashing of waves on the beach and rocks, the voice of the animals in and above the ocean and of the wind as it blows over the ocean, along the coast and the rocks and through the trees that stand along the shoreline. Through our whakapapa to Tangaroa, we as humanity, we as tangata whenua, are the human voice for Tangaroa.

7. When Tangaroa breathes it is recognised through the ebb and flow of tide and the magnetism of the moon. This magnetism is recognised as the kaha tuamanomano (the multitudinal rope of the heavens). Therefore, we must also be mindful of the lunar calendar when working with Tangaroa and his various modes.

1.1.3 - Purpose and Policy Principles

8. Te hā o Tangaroa ki ora ai taua provides Te Ohu Kaimoana with guidance on key principles which should underpin our consideration of modern fisheries policy.

- **Whakapapa:** Māori descend from Tangaroa and have a reciprocal relationship with our tupuna;
- **Tiaki:** To care for Tangaroa, his breath, rhythm and bounty, for the betterment of Tangaroa in order to care for humanity as relatives;
- **Hauhake:** To cultivate Tangaroa, including his bounty, for the betterment of Tangaroa (as a means of managing stocks) and for the sustenance of humanity; and
- **Kai:** To eat, enjoy and maintain the relationship with Tangaroa as humanity.

9. Whakapapa as a principle recognises that when Māori (and Te Ohu Kaimoana as an extension of Iwi Māori) are considering Tangaroa, we are considering the wellbeing of our tupuna (ancestor) – rather than a thing or inanimate object. Therefore, the obligation and responsibility of Tiaki – caring for Tangaroa – comes from our descent from our Tupuna. Similarly, the responsibility and obligation of Hauhake (cultivation) is underpinned by our Tiaki obligations to Tangaroa in order to Tiaki humanity.

10. Ultimately, humanity's right to Kai – to enjoy the benefits of our whakapapa relationship with Tangaroa – are dependent upon our ability to Tiaki and Hauhake and how we uphold the responsibility and obligation in a modern and meaningful way to maintain legitimacy through practicing Tiaki, Hauhake and Kai.

11. These principles were inherent within the Treaty of Waitangi fisheries settlement and – Te Ohu Kaimoana asserts - the quota management system, which Māori endorsed as part of that historic settlement. This underscores its ongoing relevance and importance in modern New Zealand fisheries management.

2.0 Our perspective

2.1 General comments

12. The summary document advises that the Government has announced a major funding increase for conservation over the next four years. The Department of Conservation (DOC) is only one of a number of agencies who work to improve biodiversity. Other government agencies, including Fisheries New Zealand (FNZ) also have obligations in respect of marine and freshwater biodiversity.

13. For example, FNZ works jointly with DOC to carry out protected species population, fishing interaction and mitigation, oceanic environment and climate change research. Between them, the organisations spend over $6.5 million annually on such activities, with about 60% of that cost funded through cost recovery levies from the commercial fishing sector. Iwi quota owners and fishing companies contribute around 40% of the levies. The report should also include reference to these other strands of work.

14. Fisheries New Zealand carries out other activities such as compliance, observer coverage, fisheries research and management, which also protect biodiversity. This increases the amount spent on fisheries-related biodiversity expenditure to $95 million with 32% cost recovered from the commercial fishing sector.

2.2 The basis for measuring progress

15. One of the problems we have found in commenting on the specific sections of report is the lack of measures or baselines against which progress against many of the targets can be measured. For example, National Target 15 aims to "achieve multiple benefits and greater biodiversity and ecosystem services outcomes through greater coordination, integration and collaboration, particularly at the regional level". This raises two questions:

a. What are the specific benefits sought?
b. Where are the greatest problems and where is the biggest difference going to be made through coordination?

Without clearer measures it is difficult to define whether our rate of progress is sufficient or insufficient.

16. Similarly, with National Target 17, which aims to ensure that "whānau, hapū and iwi are better able to practice their responsibilities as kaitiaki", the report highlights some examples empowered through Treaty Settlements without a clear sense of the starting point or the scale of what is to be achieved. Compounding this problem, a set of "Key Actions" is set out under four goals in the main part of the New Zealand Biodiversity Action Plan 2016 – 2020, supplemented by additional actions summarised in the back of the Plan. However, the summary of the National Report does not provide a comprehensive update against any of these actions. For most of the national targets, it contains a series of examples without a clear sense of the starting point, end target or how much overall progress has been made.

17. A challenge for the next stage of updating the New Zealand Biodiversity Strategy will be to develop clear goals supported by measurable objectives. This may require identification of baseline information against which progress can be assessed. In the process of creating a New Zealand Biodiversity Strategy next year, we welcome the opportunity to discuss the targets.

18. Our comments focus on those national targets and Aichi Targets of most relevance to aquatic biodiversity and marine and freshwater fisheries. We have included the key actions under each national target from the Biodiversity Action Plan 2016-2020.

2.3 Specific national targets from the Biodiversity Action Plan 2016-2020

National Target 1: People's lives are enriched through connection to nature

The key actions for this target are:

1) By 2017, New Zealand will be implementing a National Strategy for Environmental Education for Sustainability (2016-2026) that encourages and enables New Zealanders to actively engage with biodiversity and other related issues

2) By 2020, New Zealand will have implemented and be monitoring a work plan aimed at enriching 90% of New Zealander's lives through connection with nature

3) By 2020, 85% of New Zealanders will visit public conservation lands and waters at least once a year.

19. It is not clear what kind of connection with nature is being referred to. The actions suggest this is primarily about people taking time to enjoy the conservation estate, however doesn't take a broader view that includes active use of biodiversity.

20. As noted in our introduction, Iwi, hapū and whānau are connected with nature through their whakapapa relationship with Tangaroa. This relationship is guided by the principles of Tiaki, Hauhake and Kai, which include cultivating Tangaroa, including his bounty, for the betterment of Tangaroa and for the sustenance of humanity. Fisheries – including commercial and non-commercial – are a key aspect of the relationship between Iwi, hapū and whānau and Tangaroa.

21. There are many people whose lives are enriched through connection to nature, including those who work in the marine environment. Nature provides a livelihood and a home for many people, whether on land or sea. Environmental education programmes also include programmes for fishers to learn about species such as seabirds so that they can minimise their effects on them.

National Target 5: Biodiversity is integrated into New Zealand's fisheries management system

The key actions for this target are:

1) BY 2020, New Zealand will have moved towards an ecosystem approach to fisheries management that includes enhanced recording of bycatch from the sea and improved understanding of the rates of change in marine biodiversity.

2) BY 2017, implementation of the Fisheries Operational Review will begin, including a number of important initiatives that will contribute to the sustainability of fisheries and enhance biodiversity.

3) BY 2020, demonstrable progress will have been made towards managing the impacts of bottom trawling and dredging on the seabed.

22. The report states progress towards achieving the target to be on track.

Comments:

23. Overall the outline of issues in the report touches on positive actions being taken to manage biodiversity within the fisheries management system. We think it is worth highlighting that the primary driver for biodiversity to be integrated into New Zealand's fisheries management system can be found in section 9 of the Fisheries Act 1996, which sets out the environmental principles. Section 9 (b) states that "Biological diversity of the aquatic environment should be maintained". Thus, the requirement to manage the effects of fishing on biological diversity is already integrated into the fisheries management system.

24. Key structures or processes that implement these principles include the Conservation Services Programme (CSP), Biodiversity Research Advisory Group (BRAG) and the Aquatic Environment Working Group (AEWG) as well as the sustainability measures process run annually through Fisheries New Zealand.

25. There is considerable research being done through these structures, however, there is potential for more efficient use of resources through integration with long-term strategies. Research strategies need to be developed across Fisheries New Zealand (FNZ) and the Department of Conservation (DOC) to make better use of the resources to deliver targets for biodiversity. This could help identify priority areas for better implementation of the principles of the Fisheries Act.

26. We agree much progress has been made, particularly through the development of National Plans of Action and Threat Management Plans for key species with which fishing interacts. There is more to do – particularly to identify significant fisheries habitats (see our comments on National Target 13).

27. In the comment on the Fisheries Change programme, you state there are proposals being developed to ensure more accurate and up-to-date information about commercial fishing activity to inform how fish stocks are managed, how they interact with their broader environment, and ensure "the values that all New Zealanders get from fisheries is sustainable". What values are being referred to here? Are you referring to the commercial, recreational and customary sectors or a broader set of values? We recommend the statement be clarified to read: "to ensure fisheries are utilised sustainably", which is more consistent with the purpose of the Fisheries Act.

28. We note the Action Plan proposes that by 2020 "demonstrable progress will have been made towards managing the impacts of bottom trawling and dredging on the seabed". Existing initiatives provide a basis for managing impacts of bottom trawling. Fishing vessels are required to report position, time and effort during fishing events. This provides a comprehensive and annually updated map of the extent of seabed contact both temporally and spatially. Analyses show that the trawl footprint in New Zealand's EEZ is decreasing (see report on Aichi Target 6). We consider that this progress demonstrates how seabed impacts are mitigated. However, there is work to be done to investigate the areas of highest effort, and the reasons behind these changes over time. In addition, identification of benthic habitats of particular significance for fisheries management would also provide focus for any efforts to manage all risks that could adversely affect such habitats, this includes marine and land-based activities.

National Target 6: Improved understanding of the impacts of climate change on biodiversity informs better management of vulnerable ecosystems and indigenous species

The key actions for this target are:

1) BY 2020, improved understanding of climate processes is enabling better prediction of New Zealand's future climate, and identification of impacts of a changing climate on natural resources.

2) BY 2020, management of vulnerable ecosystems and species will increasingly consider the impacts of climate change.

3) BY 2020, New Zealand's understanding of the compounding pressures of climate change and other anthropogenic pressures on indigenous biodiversity will have improved from current levels.

Comments:

29. We agree that progress has been made against this target however it has been insufficient. There has been improved understanding of some of the impacts of climate change, however, how this has been attributed to better management of these effects remains unclear. The target and key action descriptions lack metrics in which to validate the level of progress.

30. We agree there is more to do to improve understanding of climate change impacts, but there also a need to take action to manage the sources of these effects as a priority. Research needs to be focussed towards generating meaningful management outcomes, rather than observing and predicting the effects of climate change.

31. In regard to key action 2, management of ecosystems is currently spatially orientated. In order to be adaptable to a changing climate, temporal management aspects need to be better integrated into our management regime. These methods already exist in a Māori context with tools such as rāhui. The use of rāhui is an adaptive management approach that applies spatial and temporal restrictions to address particular identified issues. This approach allows effective problem identification, resolution and adaptability; we consider this a useful tool for managing potential effects of climate change.

National Target 7: Sustainable use and protection of biodiversity is promoted through improved national guidance, information and industry practice

The key actions for this target are:

1) BY 2020, a National Policy Statement on Indigenous Biodiversity will provide national direction to councils on managing biodiversity under the Resource Management Act 1991

2) NEW ZEALAND will continue work to improve the efficiency of agricultural production systems by improving decisions around land use, maintaining soil and water health, and enhancing flexibility in land management and farming practices.

3) BY 2018, a National Environmental Standard for Plantation Forestry will be implemented to improve consistency and reduce negative impacts in the management of plantation forestry.

Comments:

32. The industry-developed initiatives used as examples of progress towards this target are a positive step. We support voluntary industry led-initiatives for conservation purposes; however, without a form of reporting or monitoring the progress towards targets remains unknown. We recognise that a monitoring and reporting framework is under development as part of the Good Farming Practice: Action Plan for Water Quality and support implementing robust monitoring frameworks. Until such a time as monitoring and reporting mechanisms are in place, it cannot be claimed that New Zealand is on track to meet its obligations for this target given that we have nothing to measure.

33. The key actions for this target have a terrestrial focus; however, demonstrable progress has been made toward this target in the marine fisheries space. For example, MSC certification of certain fisheries, voluntary use and testing of protected species mitigation equipment and investment into initiatives such as Southern Sea Bird Solutions. These all have measurable aspects through reporting and monitoring in which to demonstrate the level of progress over time. Inclusion of these measurable industry initiatives in the report would demonstrate the level of sustainable use in the marine sector.

National Target 9: Improved terrestrial and freshwater ecosystem protection and integrity

The key actions for this target are:

1) BY 2020, 1.3 million hectares of New Zealand's terrestrial areas and inland waters will be managed to achieve a high level of ecological integrity and a further 3.9 million hectares will be managed to maintain ecological integrity (located, where possible, to ensure buffering and connectivity).

2) BY 2020, a multi-year programme to re-categorise the protection status of stewardship lands with high conservation values will have begun.

Comments:

34. We agree with the assessment that there has not been sufficient progress toward this target. Additionally, the target lacks defined, objective parameters in which to accurately make this assessment. Without such parameters, assessment of progress toward the target is ambiguous.

35. The examples given in the summary report do not relate to the key actions specifically. It would be valuable to identify the progress toward the target through these key actions as they provide some measurables.

National Target 11: Priority freshwater systems are restored from 'mountains to sea'

The relevant Key Actions for this target are:

1) BY 2017, New Zealand will have identified significant freshwater systems for restoration

2) BY 2020, New Zealand will be working to restore priority freshwater ecosystems from 'mountains to sea' to improve biodiversity outcomes.

Comments:

36. We agree with the assessment that progress has been made however at an insufficient rate. There has been considerable effort toward the identification of at-risk systems; however, the rate of restoration has not been adequate considering the extent of decline. Again, this target requires a bound, to determine the upper level at which the target will be considered achieved.

37. The draft summary reports signal that freshwater initiatives have been made in partnership with iwi. To give effect to the partnership between iwi and the Crown envisaged in the Treaty, proper resourcing needs to be attributed to projects to enable iwi to carry out their responsibilities as kaitiaki. Otherwise this approach is inconsistent at a national scale and iwi involvement will depend on capacity. True partnership requires equal resources and capacity.

National Target 12: More Threatened, At Risk, or Declining species are managed to the extent necessary to minimise extinction risk and ensure genetic diversity is maintained.

The relevant Key Action for this target is:

1) BY 2020, demonstrable progress will have been made in managing key threats to the most at-risk marine species.

Comments:

38. We agree there has been progress toward this target however, at an insufficient rate. There have been many successes in species management in the time period reported on, however, there are species of concern for which key threats have not been managed adequately. Fishing related threats are managed and the process for mitigation is ongoing. There are other factors such as disease and pest species that are severely impacting at risk species; these threats are more difficult to manage but nonetheless progress needs to be made.

39. Particular progress has been made in the marine fisheries space through implementation of protected species risk mitigation process. Commercial fleets undertake risk analyses and implement protected species mitigation plans. The intent is to implement plans for every commercial finfish fishing vessel by 2020.

40. We support identifying and prioritising threats for effective management through Threat Management Plans.

National Target 13: A growing nationwide network of marine protected areas, representing more of New Zealand's ecosystem

The key actions for this target are:

1) BY 2018, New Zealand will have new marine protection legislation that provides a framework for the establishment of a representative network of marine protected areas.

2) BY 2020, a wider range of marine ecosystems will be in protected areas.

3) NEW ZEALAND will work towards establishing the Kermadec/Rangitāhua Ocean Sanctuary.

Comments:

41. The draft report identifies areas that have been protected through the use of MPA Forums and new marine reserves. It identifies the progress made during the reporting period is at an insufficient rate. We assume the assessment is based on the statement that significant gaps in habitat representation remain. However, the report does not identify the contribution of other measures such as BPAs to marine protection (see comments on Aichi Target 11).

42. You will be aware that Te Ohu Kaimoana has commented for many years that marine protection needs to be seen in the broader context of marine management and in light of threats and risks to marine biodiversity. We do not have an integrated system for managing the effects of multiple activities on the marine environment, which means we lack overarching goals or a process for assigning acceptable ranges of impacts of various activities that can then be addressed through relevant statutes including the Fisheries Act. We consider that where a risk can be attributed to a single sector, management action should be taken through the statute that manages the activity. Where risks cross different sectors and integrated approach between sectors would be required.

43. Ultimately, any policy should align with the principles of Whakapapa, Tiaki, Hauhake and Kai. We strongly urge the Government to develop a new framework in partnership with iwi to ensure consistent and transparent processes are applied to any MPA policy.

44. The summary report implies that the Kermadec/Rangitāhua Ocean Sanctuary will be established, when this outcome should not be assumed. We recommend this be reworded to say, "The New Zealand Government is committed to working alongside Māori to resolve our differences about the Kermadec/Rangitāhua Sanctuary proposal while ensuring biodiversity is protected".

National Target 14: Benefits of biodiversity and ecosystems for people's health and economic, social and cultural wellbeing are better understood and received.

The relevant Key Action points for this target are:

1) BY 2020, there will be an increase in the number of businesses that recognise the connection between restoring our biodiversity and New Zealand's business success.

2) NEW ZEALAND will continue to provide opportunities for biodiversity-related businesses to support increased economic benefits from domestic and international tourism.

Comments:

45. The 1992 Fisheries Settlement provided Iwi with the opportunity to cement their relationship with Tāngaroa and to maintain and increase social, economic and cultural benefits they receive through biodiversity. This is both through customary non-commercial and commercial fishing. Iwi/Māori hold around 40% of the commercial fishing sector and benefit from their quota ownership in addition to their shares in major fishing companies. The allocation of fisheries settlement assets is intended to ensure that the benefits of the assets benefit all Māori through iwi.

46. We acknowledge the work outlined in the report showing examples of DOC's work with various organisations involved in health, mental well-being and so on. However, the report doesn't refer directly to the actions in the Action Plan in that it doesn't demonstrate any increase in the number of businesses. This may in part be due to the lack of a baseline to measure progress against.

47. We question the second key action as there is little done to measure or manage the detrimental effects on biodiversity from tourism. Scientific literature shows negative effects to marine mammals, (New Zealand is one of few places that humans are permitted to swim with marine mammals), seabirds and other species. Increased tourism also increases biosecurity risks, the spread of pathogenic and algal pests can have detrimental ecosystem level effects, New Zealand is already incurring these effects in freshwater, terrestrial and marine systems.

48. We support local businesses and promotion of Aotearoa's natural resources. However, until an assessment of the capability of New Zealand's ecosystems and infrastructure to handle current tourism levels is done, promoting increased levels of tourism is inappropriate and directly contradicts the other 16 National Targets set out in the Strategy.

49. We agree with the comment that there is inadequate knowledge of the distribution of communities, habitats and the ecosystem functions they provide. The lack of information on habitats of particular significance for fisheries is a particular gap. These habitats are intended to be protected in accordance with the environmental principles of the Fisheries Act but there is a lack of strategy on how the necessary information should be obtained.

National Target 15: Achieve multiple benefits and greater biodiversity and ecosystem services outcomes through greater coordination, integration and collaboration, particularly at the regional level.

The relevant Key Action point (marine) for this target is:

1) BY 2020, marine spatial planning of the Hauraki Gulf/Tīkapa Moana will be completed, representing the first time this approach has been used in New Zealand.

Comments:

50. The draft summary report does not mention the SeaChange programme but talks about the Natural Resources Sector collaborating on cross-portfolio work programmes at a central government level. While we support this kind of collaboration, the bigger issue is the need for integration between the RMA and Fisheries Act regimes. In part such integration relies on well targeted research to inform management action. One example would involve identification of significant fisheries habitats that should be protected from the effects of land use under the RMA. Fisheries interactions could be managed under the Fisheries Act on the basis of a fisheries plan, however in addition, a regional council would need to take the plan into account to ensure relevant habitats are protected in their plans and consent decisions.

51. There has been considerable coordination of efforts between seafood sector representative entities with Fisheries New Zealand and Department of Conservation to achieve biodiversity outcomes. These efforts occur through co-management and also co-funding, involving collaborative work between commercial fishers, government agencies and others.

52. Spatial planning exercises including those carried out through SeaChange have gained much currency as a means of improving coordination, integration and collaboration and even achieving "ecosystem-based management". However, caution needs to be taken in the use of such processes. If they are not implemented without a clear problem definition and agreed objectives, they simply become a forum that parties feel compelled to participate in in order to either promote their own views or protect their rights rather than work together to address an agreed problem. In many cases, processes such as these should start with areas of common ground and build from there.

National target 17: Whānau, hapū and iwi are better able to practise their responsibilities as kaitiaki.

The relevant Key Actions for this target are (DOC has assessed progress as on track to achieve this target):

1) NEW ZEALAND will work with whānau, hapū and iwi, through a combination of Treaty of Waitangi settlements, existing commitments and new work, to enable Māori-led conservation work, sustainable customary use of biological resources and indigenous biodiversity protection across a range of services and levels.

2) NEW ZEALAND will continue to support projects relating to the revival, use or retention of tikanga (i.e traditional knowledge and practices in the management of biodiversity or natural resources) through the Mātauranga Kura Taiao fund for the benefit of future generations.

3) BY 2020, there will be an increase in the number of gazetted customary fisheries management areas, such as mātaitai and taiāpure. These fishing areas are managed by tangata whenua, ensuring sustainable customary access for these resources and supporting the capacity of tangata whenua to manage the fisheries and effects on biodiversity.

Comments:

53. Whānau, hapū and iwi practice kaitiakitanga across a broad range of activities and resources. This includes commercial and other marine resources as well as land-based resources. The target itself is very broad and again suffers from the lack of a baseline and measures of progress.

54. The report focusses primarily on the first key action identified in the Action Plan and contains examples of Treaty Settlements. These are positive outcomes, but it should not be necessary for iwi, hapū and whānau to have a Treaty settlement to enable them to practice kaitiakitanga. While the report assesses New Zealand to be on track to achieve this target, it isn't clear how we will know when we have achieved it. One of the things that would assist is to identify the barriers to the exercise of kaitiakitanga and develop a strategy with measurable targets or objectives. These could include legal barriers, capacity and resources and poor relationships with government agencies.

55. Kaitiakitanga is relevant across all of the targets and needs to be promoted in an integrated way. Please refer to our earlier discussion on the Māori relationship with Tāngaroa.

National Target 18: Knowledge, the science base and technologies relating to biodiversity, its values, function, status and trends, and the consequences of its loss, are improved, widely shared and transferred and applied.

Relevant key actions for this target are:

1) By 2020, research that incorporates Māori knowledge, values and aspirations is delivering new information on way to protect and manage our native biodiversity and utilise our marine resources within environmental limits, and is informing management of land, freshwater and marine ecosystems

2) By 2017, New Zealand will have an agreed 20-year Conservation and Environmental Science roadmap of the research and data needed by government to develop and evaluate policies and actions that maintain and restore our national systems.

3) By 2020, the collection, collation, publication and reuse of biodiversity data across local and central government agencies will be improved.

Comments:

56. The development of science roadmaps provides initial guidance as to what the long-term research priorities are for conservation and environment, and the primary sector. They are just a starting point as the real work will involve "making it happen" which requires relevant sectors to actively drive the research they need, and for science providers to work with sectors early to ensure their proposals deliver what is needed.

57. the Vision Mātauranga and Tangaroa programmes that are part of the Sustainable Seas Science Challenge are designed to achieve the kind of outcomes identified in the first key action above.

2.4 Aichi targets

Aichi target 4: By 2020, at the latest, Governments, business and stakeholders at all levels have taken steps to achieve or have implemented plans for sustainable production and consumption and have kept the impacts of use of natural resources well within safe ecological limits.

Comments:

58. While we agree the RMA provides a regime for sustainable management which includes responsibilities for biodiversity, we consider the Fisheries Act does the same in respect of fishing activity in the marine environment. Its purpose is the sustainable utilisation of fisheries resources, and provides for the management of aspects of aquatic biodiversity in section 9 of the Act which requires all persons performing functions, duties or powers under the Act, in relation to the utilisation of fisheries resources or ensuring sustainability, to take into account the following environmental principles:

    a. associated or dependent species should be maintained above a level that ensures their long-term viability
    b. biological diversity of the aquatic environment should be maintained
    c. habitat of particular significance for fisheries management should be protected.

59. Greater detail on our progress can be summarised from the draft report on Aichi Target 6.

Aichi target 6: By 2020 all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem-based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits.

Comments:

60. The report provides a reasonably fair assessment. We note that the Threat Management Plans for the New Zealand Sealion/Rāpoka and the draft Hectors and Māui dolphin plans are intended to manage all threats to these species, not just fishing threats.

61. There is concern about the way risk for seabirds is reflected. The comment "Estimates of risk for all such taxa were much lower in 2016, however most of the reduction came from analytical improvements" does not appropriately reflect the nature of risk for seabirds in the New Zealand EEZ. Through improvements in analytical methods we are able to provide more certain risk estimates for management, these were considerably lower than previously calculated. Further to this, risk estimates decreased for many (but not all taxa). These are two separate points, but both contribute positively to progress toward the target.

62. The United Nations Environmental Programme tracks progress towards Aichi Targets 4 and 6 through the Marine Stewardship Council (MSC) as an official biodiversity indicator. Approximately half of the volume of seafood harvested in New Zealand is certified against the international sustainability standards, this includes an ecosystem approach. MSC standards for ecosystem impacts align with those set out in New Zealand's Fisheries Act.

63. Sustainable utilisation is a core principle in kaitiakitanga and provides whakapapa relationships to be maintained and well as sustaining natural resources and biodiversity.

Aichi target 8:By 2020, pollution, including from excess nutrients, has been brought to levels that are not detrimental to ecosystem function and biodiversity.

Comments:

64. The report highlights there are still problems. It is hard to provide an accurate picture against the target without knowing where the starting point is, and how far ecosystem function is being compromised. While reference is made to national target 7 and Aichi target 7 re industry initiatives – this begs the question as to what the Government is doing.

Aichi target 11: By 2020, at least 17 percent of terrestrial and inland water, and 10 percent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures and integrated into the wider landscapes and seascapes.

Comments:

65. International Biodiversity targets are set broadly, in the knowledge that systems for management of the marine environment, including fisheries vary greatly across jurisdictions: from inadequate to sophisticated. Thus, one of the problems with the language of protected areas, including marine protected areas, is defining what is to be protected, the risks to be managed and the appropriate management response. The evolving discussion on marine protection needs to take a broader view of marine protection in light of each jurisdiction's management regime, and not give priority to "no-take" areas.

66. The "Quick Guide to the Aichi Biodiversity Targets" explains, in relation to Target 11, states that "the protected areas can include not only strict protected areas but also protected areas that allow sustainable use consistent with the protection of species, habitats and ecosystem processes". This statement envisages use of resources is acceptable where harvested species are managed sustainably, the risks posed by harvest on other species are well managed, and underlying ecosystems on which they depend continue to function. While improvements are needed, New Zealand's fisheries management system is intended to ensure these matters are addressed. Policies on marine protection should be developed in that light.

67. Against this, the discourse on marine protection tends to be narrow, and not take sufficient account of existing management regimes. Our fisheries management regime provides for sustainable use consistent with the protection of fisheries. It also requires maintenance of biological diversity, long-term viability of associated and dependent species, and habitats of particular significance for fisheries management to be taken into account. In that respect we are encouraged to see recognition of benthic protected areas in the draft national report. The measures that are part of the fisheries regime should gain greater recognition and be integrated into as part of our marine protection approach. For instance, ongoing work to reduce the effects of fishing on seabirds and rāpoka are consistent with the statement from the guidelines quoted above. Quota management areas (QMAs) are designed to ensure the sustainability of stocks. Within and across QMAs, measures are taken to protect biological diversity from the effects of fishing. We welcome further debate on the central role of our fisheries management regime in the protection of the marine environment.

68. We are not clear why the report is concerned with the IUCN standards, which are not part of the Aichi Target or the guidelines. The report gives the impression that the strictest definition under the IUCN standard is the priority whereas the standards set out a range of different approaches without stating one has priority over another. The Aichi Targets acknowledge different forms of protection are appropriate and we consider that applicability or "fit for purpose" is more appropriate than ranking criteria. The right tool for the job is the key factor.

69. To some degree, these issues are relevant to the terrestrial environment too. For instance, the Forests Act regime for restricting harvesting of indigenous forests on private land, can be seen to contribute to sustainable use consistent with protection of species, habitats and ecosystem processes. It is not clear whether this is included in the assessment for terrestrial environments.

70. You are already aware of our views on the Kermadec/Rangitāhua Sanctuary proposal and the lack of clarity around its objectives and inappropriate adverse effect on the Fisheries Settlement. Ultimately, we don't consider the Sanctuary is necessary to protect fisheries resources given the management measures already in place over the area concerned.

2.5 Process – iwi co-developing the next strategy and Te Ohu Kaimoana's expectations

71. Development of the new Biodiversity strategy in 2019 should occur within a Treaty partnership with iwi. Te Ohu is ready to assist iwi to participate in the problem definition phase, the development of targets and action points, drafting of the strategy and development of a final strategy.

Te Ohu

Kaimoana