

Possibilities for Resourcing Rangatiratanga

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Disclaimer: The information contained in this report is of a general nature and is intended for discussion purposes only. The views and opinions expressed in this document are those of the authors alone. Due to the early - stage nature of the concepts in this paper there will inevitably be omissions. But this report is to orient and stimulate future more in depth analysis.

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Executive summary

This report considers possible sources of finance the Crown might consider to support Māori rangatiratanga in biodiversity protection. Section One provides context on the role Indigenous Peoples, and Māori specifically, have in protecting biodiversity. It then sets up a framework for governance of biodiversity protection based on the possibilities for constitutional transformation set out in *Matike Mai* and *He Puapua*. These represent possibilities towards a just relationship between Māori and the Crown into the future.¹ It is our contention that a just relationship requires equitable resourcing. Following this, we establish *why* resourcing rangatiratanga is crucial for both Māori and biodiversity outcomes and contrast existing resourcing capacity.

Section Two directly addresses the research question: what are the multiple streams from which Crown financial contributions might be sourced? In doing so, the report evaluates several options for resourcing rangatiratanga across a spectrum from existing and incremental, to progressive opportunities. Existing and incremental streams include grants, reparations, Treaty-led procurement, market-based instruments and debt mechanisms. Progressive streams include revenue sharing, relief, or direct collection by Māori of levies, rates and taxes. For each of these streams we give an overview and evaluation based on existing research, and illustrate possibilities through select case studies. The report then offers conclusions, opportunities for future research and limitations. Future research will consider these options in more depth, as well as evaluating additional options out of the scope of this report.

The broad thrust of this report is that for Māori to exercise rangatiratanga towards better biodiversity outcomes, this rangatiratanga must be resourced. While there are existing means for resourcing, these are at the whims of the market and/or the Crown. For these to move towards *equity* or *justice*, an economic base for rangatiratanga is required. The Crown is able to resource its governance through taxation, rates, levies and other means, because of its assumed sovereignty. This assumed sovereignty has been challenged by Māori, creating opportunities for exploring resourcing rangatiratanga into the future. Whether it is in pursuit of better biodiversity outcomes, or in pursuit of justice according to the articles of Te Tiriti – rangatiratanga in article 2 and equity in article 3 – all signs point to an urgent need to consider options for resourcing rangatiratanga. This report begins to address that need to contribute to an ongoing conversation at the intersection of conservation and constitutional transformation.

Section 1: Establishing the context

Indigenous Peoples and biodiversity protection

The adverse impacts of human activity on the environment are becoming recognised as one of humanity's greatest threats.² There is increasing recognition of how Indigenous governance has generated effective biodiversity outcomes.³ These outcomes demonstrate the potential for Indigenous governance in protecting biodiversity.⁴ As such, the United Nations and Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services recommend that governments strengthen Indigenous management, especially as the Indigenous knowledge of managing these lands is at risk.

Within an Aotearoa context, tangata whenua share similar values with other Indigenous Peoples regarding biodiversity protection. Kaitiakitanga, for example, is encompassed by the Te Ao Māori worldview to respect, care for, and protect Papatūānuku. This worldview recognises the interconnectivity of all living things, human and non-human, establishing obligations towards one another and nature across generations. There is an emphasis on non-materiality, where land ownership is not an individual right but rather collectively perceived through iwi, hapū and whanau's whakapapa and roles as kaitiaki.⁵ Indeed, Māori conservation obligations as kaitiaki have persevered throughout colonisation in the form of preserving Māori land, protection of mātauranga Māori, rāhui, and other means⁶. These obligations, worldviews, and stewardship practices create implications for public policy seeking to uphold Te Tiriti o Waitangi.⁷ However, without rangatiratanga, which better approximates to self-determination, kaitiakitanga can be easily limited and removed from the authority of Māori communities.⁸

In recognition of these implications, there has been a shift in environmental policy to incorporate Māori perspectives through legislation, co-governance arrangements, and public sector representation.⁹ This shift can provide a foundation for a balanced partnership between tangata whenua and tangata tiriti (non-Māori, people of the Treaty) while realising better environmental and social outcomes for all of Aotearoa's collective well-being. However, without the resourcing required to expand self-determination, Indigenous Peoples within New Zealand and globally are yet to achieve environmental or social justice.¹⁰ Exercising self-determination in conservation connects Indigenous Peoples' rights, affirmed in Article 3 of UNDRIP, to the environmental decisions that primarily affect them due to the disproportionate impacts of climate change and biodiversity loss on Indigenous Peoples.¹¹

As it stands, there is a stark contradiction in the increasing calls for Māori to save New Zealand from the impacts of a system they neither consented to nor particularly benefited from without proper resourcing. A significant part of this comes from overlooking the necessary funding of iwi, hapū, whānau-led work in conservation, despite growing expectations that Māori knowledge and practices are the solution to saving biodiversity and mitigating climate change.¹² Therefore, it is imperative that Māori are properly resourced in recognition of their role in biodiversity protection, but more importantly, to protect wider Te Tiriti obligations and restore a balanced relationship between people and with the natural environment.

The Spheres of Influence model

This section introduces a framework to understand both the contemporary contradictions of rangatiratanga and biodiversity protection, and possible futures for constitutional transformation. A primary contradiction, in our view, is that despite varying commitments to and principles of the Treaty at many levels of the Crown, the resourcing of rangatiratanga has continued to be fundamentally limited. To overcome this structural limitation on rangatiratanga requires constitutional transformation. The spheres of influence model features in *Matike Mai*¹³ and *He Puapua*¹⁴, which consider the ways the Crown can be held accountable for its Tiriti obligations in hopes of addressing the loss of rights, resources, livelihoods and self-determining authority through colonisation. A prevailing theme across both reports is the exercise of Māori rangatiratanga, or self-determination. By exercising rangatiratanga, iwi, hapū and other Māori authorities can better govern their destiny while maintaining balance with Te Tiriti.¹⁵ In addition to rangatiratanga, the reports discuss the application of Indigenous human rights instruments to constitutional transformation. The instruments include the nation's constitutional documents; the Māori signing of Te Tiriti and He Whakaputanga¹⁶, tikanga, and the internationally recognised UNDRIP. Using these Indigenous human rights instruments, *Matike Mai* outlines multiple frameworks for constitutional transformation, and out of the models created, *He Puapua* continues the Spheres of Influence framework (see Figure 1).

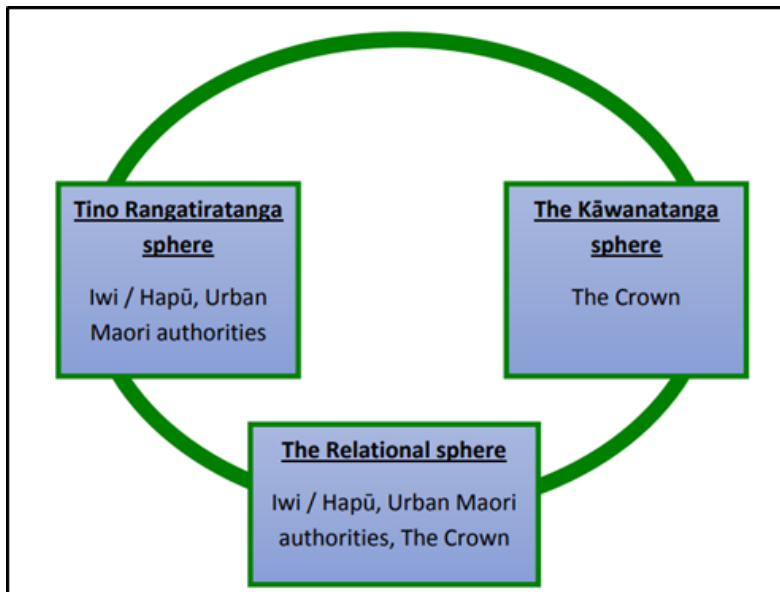


Figure 1 Spheres of Influence Framework Model 2 from Matike Mai 2016, p. 107

This framework articulates three areas of governance: the kāwanatanga sphere, rangatiratanga sphere, and relational sphere.¹⁷ The kāwanatanga sphere consists of the Crown's area of jurisdiction, such as the existing parliament. The rangatiratanga sphere is self-governed by Māori and therefore acknowledges independent jurisdiction, as well as recognition of hapū and whānau governance, over Māori matters. These spheres overlap to create the relational sphere where the two groups work together over areas of shared interest. This sphere should uphold wider cultural and social relationships. One area where there

are implications for rangatiratanga, kāwanatanga, and the relationship between the two is biodiversity protection.

The Spheres of Influence framework is not about segregation between the two groups but rather recognising “the continuing exercise of rangatiratanga while granting a place for kāwanatanga” within modern New Zealand.¹⁸ The current Parliamentary system has a strong kāwanatanga influence with little room for Māori rangatiratanga. And although Māori participation in the kāwanatanga sphere has increased, New Zealand is yet to see resourcing and acceptance of Māori authority over Māori matters. As such, the spheres of influence model requires a constitutional transformation. This means the framework would not exist within the current Parliamentary system as this would only assimilate the aspirations of Māori into the existing Westminster system as opposed to authentically granting the rangatiratanga promised in Te Tiriti.¹⁹ Alternatively, the framework opens a space for constitutional transformation where Te Tiriti is upheld in its original form with Māori and Parliament having separate but interdependent authority for the benefit of all in Aotearoa.

While Matike Mai is clear on the importance of exercising rangatiratanga and tikanga for improved outcomes, *He Puapua* provides examples of such mechanisms to uplift the role and rights of Māori by 2040 to implement the Spheres of Influence. For example, increased Māori participation in the kāwanatanga sphere at central and local governmental levels and strengthening the legal recognition of Te Tiriti through instating clauses or putting it into legislation as means but not ends to Māori self-determination.²⁰ Most crucially was the return of Crown lands and waters to Māori and greater Māori authority over shared land, resources and taonga.²¹ *He Puapua* also illustrates the reality for resourcing and authority between the spheres as it currently stands, as illustrated in Figure 4. Resourcing for the kāwanatanga sphere has often come directly at the expense of resourcing for rangatiratanga.²² There is a general consensus, locally and internationally, across the political spectrum, that a viable and sustained economic base is required for Indigenous self-determination.²³ Because of this, any just, equitable and practical constitutional transformation requires that we take resourcing seriously.

This report broadly follows the Spheres of Influence framework when addressing the question of resourcing rangatiratanga for biodiversity protection. Māori have always and will always be crucial to biodiversity efforts in Aotearoa New Zealand, and have done so as an expression of rangatiratanga since ‘mai rā anō’. Since Te Tiriti, the opportunities for rangatiratanga over biodiversity protection have been diminished and now that there is gradual recognition of this injustice, of Māori expertise in biodiversity protection, and the possibilities for rangatiratanga, these prospects need to be properly resourced. The Spheres of Influence framework enables us to think through this carefully.

Mini-case to demonstrate: The Waipā river.

Meg Parsons (Ngāpuhi), Karen Fisher (Waikato-Tainui, Ngāti Maniapoto) and Roa Petra Crease (Ngāti Maniapoto) provide a detailed case study of Indigenous governance in their book *Decolonising Blue Spaces in the Anthropocene* that illustrates some of the possibilities and contradictions we raise. This case study

discusses the arrangement between Ngāti Maniapoto and Waikato Council to work together, protect and restore the Waipā River through the implementation of the Waipā River Act. This agreement aims to address inequalities by Crown to Māori and reconcile the environmental injustices experienced by Ngāti Maniapoto.²⁴ However, when interviewing Ngāti Maniapoto iwi members, the authors found that iwi felt that there was unequal authority due to the inadequate and uneven financial compensation, exclusion of Māori modes of decision-making and non-understanding of Māori ontologies and epistemologies.

Uneven financial compensation is illustrated by the Waikato River Clean-up Trust providing less than the promised half of funding to iwi-led projects. In contrast, the Council provided most of the financing to non-iwi-led projects. Additionally, there were expectations for iwi to volunteer, resulting in funding not filtering down to Ngāti Maniapoto marae, hapū, and whānau who work at the grassroots level of water testing and data compiling. The lack of funding and overextension of iwi human resources forced Ngāti Maniapoto to “gauge if it is worthwhile to be involved in all decisions made about their taiao”.²⁵ Disparity in resourcing also has implications for access to legal support. The authors conclude that for Māori to be able to achieve environmental justice, they must have the capacity to participate and defend themselves in governance arrangements. This would occur by ensuring rangatiratanga is adequately and sustainably resourced. Doing so will reduce the current imbalance where iwi rely on limited and often contestable Crown funding for a multitude of activities including biodiversity protection.

The second barrier to effective exercise of rangatiratanga is the continued exclusion of Māori modes of decision-making into the governance model. As it stands, the Waipā River Act follows a Western style of a few appointed representatives making decisions on behalf of all groups. Instead, including all iwi members impacted by the pollution would create equitable political participation. It allows iwi to participate in river restoration in ways that align with their modes of decision-making by ensuring local-level input and broader consensus.

Finally, the difference between the Māori worldview of water as a living entity and the Western understanding of water as property defines how the two parties treat water.²⁶ When water is accepted as a resource over which a group can possess rights, it focuses on the monetary and use benefits that exist over the short term. Alternatively, discerning water as a living entity that Indigenous Peoples have an intergenerational responsibility to protect the water quality and quantity for the benefit of all living beings creates a priority for the long-term. A Māori perspective of kaitiakitanga of water is included in the Waipā River Act.²⁷ However, all parties must understand these worldviews in order to be able to implement them successfully. The Waikato council continues to use water as a resource through the continued practice of discharging sewage into the waterways²⁸. This is considered cost-effective and safe within a dominant Western worldview, but conflicts with Ngāti Maniapoto perspectives of waste disposal being against their tikanga and threatening to the health of all living beings.²⁹ The continued dominance to choose Western science and engineering despite increased iwi inclusion in conservation through legislation at local and national level through the Waipā River Act and RMA is because the “rules of the game” are set by those in power.³⁰

The challenges raised by Parsons, Fisher and Crease illustrate the need to properly resource rangatiratanga for biodiversity protection if it is going to be just, equitable, and practical. Te Maire Tau argues that one cannot fully exercise kaitiakitanga without rangatiratanga.³¹ Rangatiratanga is required to fully exercise kaitiakitanga, and rangatiratanga must be properly resourced to enable effective kaitiakitanga.

Before 1840 kaitiakitanga was the obligation to care for Papatūānuku but it was only ever effective because it had the rangatiratanga or mana of the Hapū to back it up... If kaitiakitanga was put into a constitution as something that went with rangatiratanga it would help remedy that situation".³²

Resourcing of spheres compared

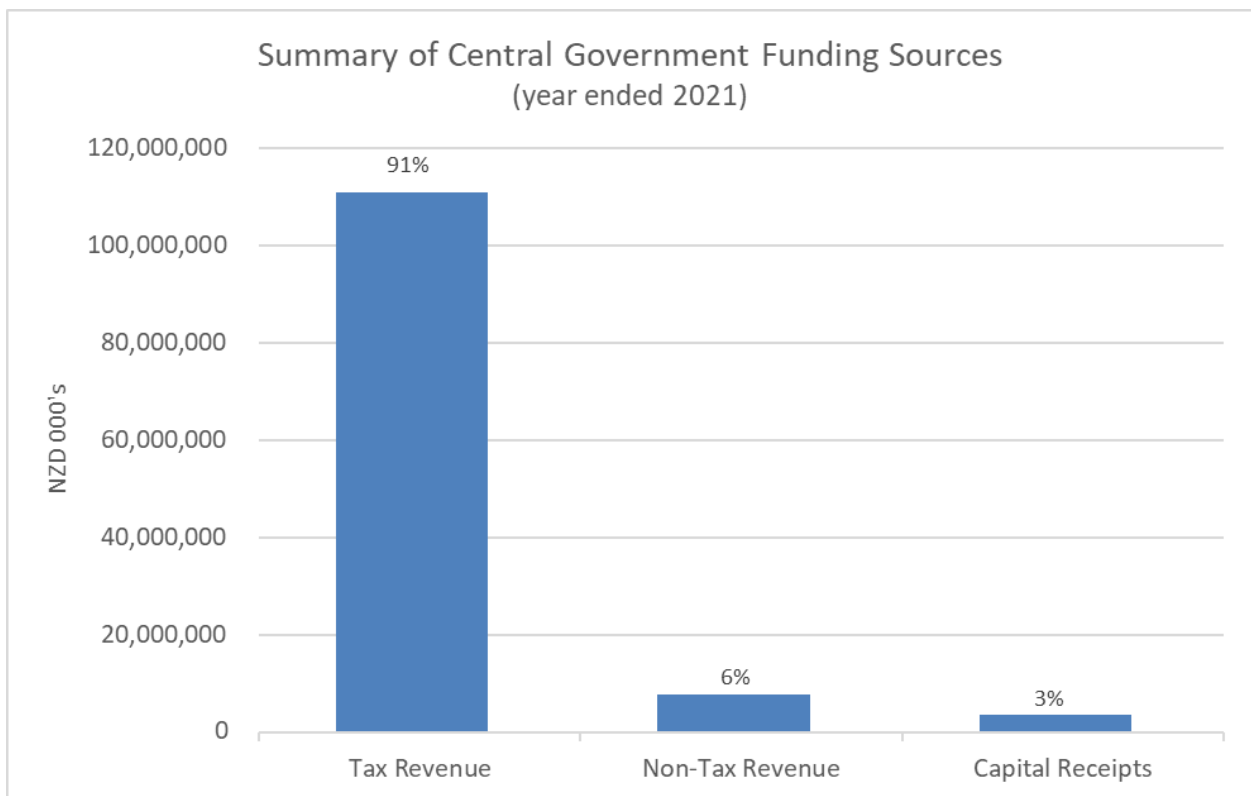


Figure 2. Summary of central government funding sources for 2021.³³

The government’s economic base and ability to raise revenue vastly outweighs the ability for Māori to resource rangatiratanga. As previously identified, governance requires a sustaining economic base to maintain authority and deliver services. The Government’s main sources of revenue are taxes, levies, fees, investment income, and from the sales of goods and services. The Government’s total accumulated revenue for the year ended 30 June 2021 was \$121.931 billion (see Figure 2). 91 per cent of this (\$110.789 billion) is from taxes alone. At the combined local government level, \$12.5 billion (excluding valuation changes) was accumulated for the year ended 30 June 2021 (see Figure 3).

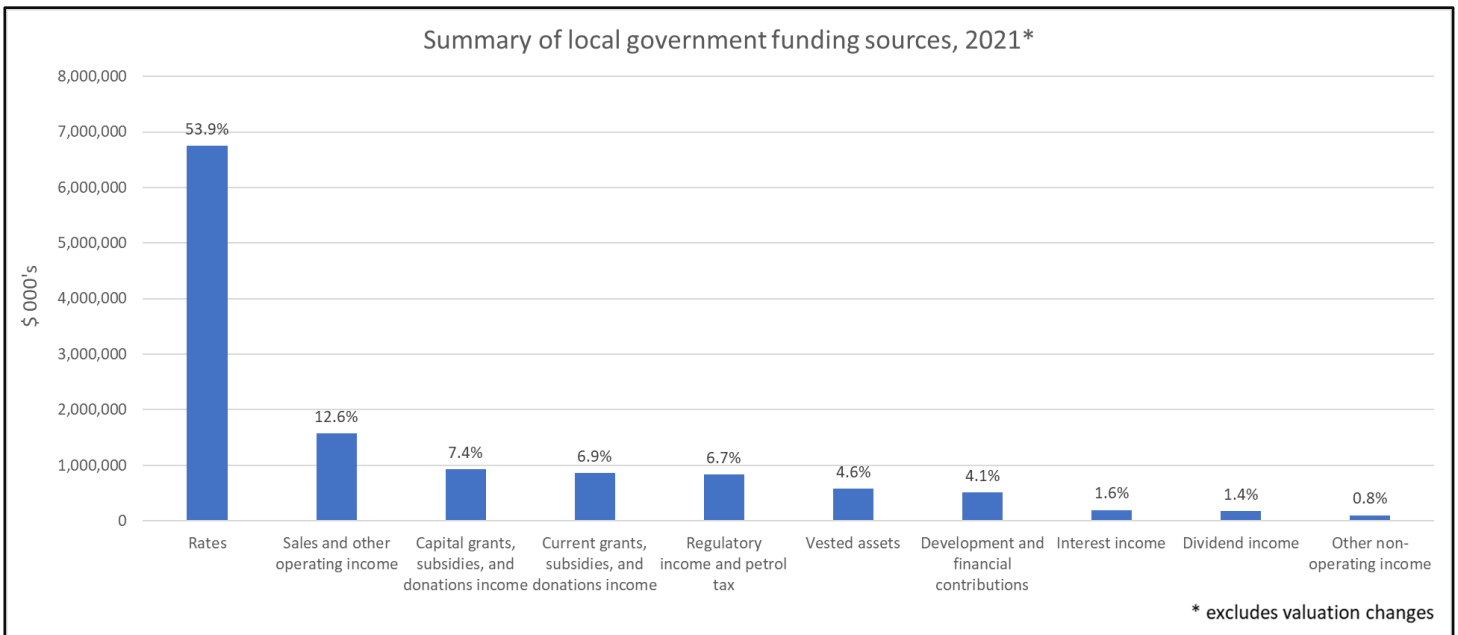


Figure 3. Summary of local government funding sources for 2021.³⁴

On the other hand, the existing revenue-generating ability for rangatiratanga is limited to reparations through treaty settlements, post-settlement governance entities (PSGEs), land trusts, profits from subjecting assets to the market, and grants from the government. These lack the capacity the government has in generating revenue based on an exclusive right to raise taxes, levies and rates due to its assumed sovereignty. Māori do not have fiscal authority. The Crown can levy taxes and generates the majority of its revenue from doing so, Māori rely on a mix of grants/distributions from the Crown and subjecting assets (from reparations) to market forces. Rather than the representation depicted above in Figure 1 from *Matike Mai*, the reality is better represented in Figure 4 below from *He Puapua*.

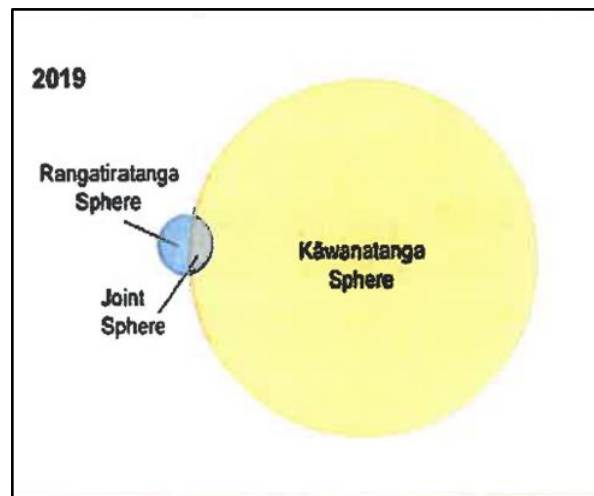


Figure 4 Comparison of the kāwanatanga and rangatiratanga sphere's authority (and economic base) from *He Puapua* 2019.

The extent of the government's revenue-generating ability and economic base has arisen from New Zealand's colonial history of dispossession, repression, and assimilation. By maintaining effective sovereignty over underlying land, water, and rights to taxation, the Government permits an imbalanced fiscal relationship. This has restricted the self-determination of Māori leading to systemic discrimination and reduced well-being outcomes. Such an unequal fiscal relationship does not honour Te Tiriti so long as Māori are dependent on the government for any transfer of that misappropriated wealth. Resourcing rangatiratanga requires an economically sustaining base. While this report seeks to identify the potential revenue sources that Māori can use to finance rangatiratanga, it specifically does so using a conservation lens. Resourcing rangatiratanga for conservation benefits not only Māori but all New Zealanders, including the people and the land, while fulfilling Crown obligations for rangatiratanga under Te Tiriti.

This introductory section has discussed the significance of Indigenous biodiversity perspectives and practices, resourcing rangatiratanga using the Spheres of Influence framework, and a demonstrative case study. We highlighted the Crown's contributing role, as a Treaty partner, to provide financial streams to resource Māori rangatiratanga, as well as possibilities for independent resourcing. This resourcing would reduce inequalities experienced by Māori as they progress towards achieving iwi and hapū objectives. While more co-governance agreements have elements of Māori decision-making, for the Crown to acknowledge Māori rangatiratanga without providing resourcing will not allow the capacity for Māori to pursue economic, social and cultural development freely. One might ask why the Crown is expected to resource rangatiratanga when there are separate spheres of authority? A simple answer to this for now is that the economic base of Māori was dispossessed through colonisation, which benefited the Crown and associated interests. The reparations under Treaty settlements are insufficient to cover the myriad activities required under rangatiratanga, and the Crown as kāwanatanga, maintains exclusive right to revenue raising through means like taxation. This is particularly stark in biodiversity protection, where agreements such as the Waipā River Act have yet to adequately and sustainably resource Māori rangatiratanga, resulting in imbalances between Māori and the Crown. This imbalance is only exacerbated by the exclusion of Māori modes of decision-making and non-understanding of Māori ontologies and epistemologies. This disregard even within co-governance arrangements shows Māori rangatiratanga is

neither recognised nor exercised. Giving power to hapū only in name demonstrates a lack of Te Tiriti-led governance by the Crown. Reducing this imbalance through adequate funding raises the urgent research question: what are the multiple streams from which Crown financial contributions might be sourced? A preliminary exploration of this question makes up the next section.

Section 2: Resourcing rangatiratanga

Resourcing rangatiratanga for biodiversity protection can lead New Zealand to a more equitable and sustainable future. But the full scope of what Māori – iwi, hapū, whānau, and other Māori authorities - can do is limited without proper resourcing. This section expands on the first section to explore the potential revenue streams from which Crown financial contributions might be utilised to resource rangatiratanga. This study is exploratory in nature and not exhaustive. First, we explore ‘existing and incremental’ opportunities that rely on resourcing *through* the kāwanatanga sphere, including grants, reparations and procurement. We then examine existing opportunities that can be expanded around market-based instruments and debt. Finally, we explore progressive opportunities including formalised revenue sharing, relief, or direct revenue collection by Māori of taxes, levies and rates. For each of these possibilities, we overview general practices and existing revenue, outline opportunities, advantages and disadvantages, and provide a case study to illustrate. We draw on specific examples that resonate with biodiversity protection for each possible stream, but we could very much have selected other examples. Future research will consider more possibilities, and alternative examples.

Section 2A: Existing and incremental revenue streams

GRANTS

Government grants refer to the financial sums given from the government to an entity, often for projects that align with the government's economic, social and environmental goals. These grants are outlined in yearly budgets, with the most recent government budget; Wellbeing Budget 2022: A Secure Future, granting Māori \$1.256 billion over four years.³⁵ This funding contributed towards Māori health and wellbeing (\$580m), protecting language and culture (\$354m), adaptation for climate change (\$167m), and economy and employment (\$155m).

The principal benefit of grants is that they typically require no repayment. Furthermore, organisations receiving grants often gain credibility that is beneficial for business relations and securing future funding. However, recipients of grants are fundamentally limited to the whims of the grantee. For government grants, this means Māori must rely on uncertain and capricious political powers. After all, New Zealand's three-year political cycle incorporates shifting government priorities within and across differing parliamentary parties. This revenue stream is also limited to the government's funding capacity with much of the budgeting process spent reconfirming existing projects and baseline expenditure.³⁶ This restricts the amount of new spending initiatives.

Applicants are also exposed to considerable barriers when accessing grants. This includes the monetary and time resources spent on hiring or training staff for the lengthy application process.³⁷ Furthermore, Māori and smaller organisations often compete against larger and more resourced organisations. The expenditure required to access grants comes with limited certainty that it will eventuate into funding, producing further insecurity. Any funding granted is accompanied with conditions for spending, limiting

Māori autonomy and rangatiratanga. This increases the reporting requirements and further limits an already constrained resourcing stream. Overall, due to grants requiring Māori to be dependent on capricious, limited, bureaucratic and competitive government budgeting processes, this revenue stream is restricted in its ability to resource rangatiratanga. Despite this, grants are still one of the main tools the government uses to fund Māori and as such, their use should be evaluated.

Mini-case to demonstrate: Wellbeing Budget 2022: A Secure Future

The Government's Wellbeing Budget 2022: A Secure Future, granted Māori \$1.256 billion over four years.³⁸ This funding is miniscule compared to the government's spending ability, with total estimated actual expenditure at \$131.4 billion for the year ending 30 June 2022.³⁹ Māori funding is also dwarfed by expenditure for non-Māori. To illustrate, the cost of living payment was \$814 million for only one year. In reaching parity, co-leader of the Māori party, Rawiri Waititi, determined it will take Māori 1840 years when factoring that Māori funding only increased by 0.3 percent compared to last year's budget.⁴⁰ However, Māori also benefit from funding within the kāwanatanga sphere that is not necessarily directly targeted at Māori or accounted for as such. Jobs for Nature, for example, is about investing in environmental jobs for regions and hapū, iwi and rūnanga have benefited from these grants.⁴¹

Not only far from reaching parity, this funding fails to recognise the additional cost faced by a population overrepresented in negative statistics such as healthcare, education, and housing.⁴² Austerity measures have a history in government spending for Indigenous Peoples. For example, Canadian fiscal policy uses 'comparability' as a measure to determine Indigenous funding.⁴³ This follows the idea that Indigenous funding should be comparable to the level set in provinces and territories. However, to reach equality and overcome negative wellbeing outcomes additional funding beyond parity is needed. Parity will never close historical gaps. As such, if the government continues to predominantly rely on grants as a funding mechanism for Māori, they should not only consider reaching parity (which New Zealand is far from), but also include additional funding to compensate for the lasting systemic harms experienced by Māori (for example, reparations discussed next).

The other crucial consideration is addressing the uncertainty around three-year political cycles. For this, it is recommended the government provides longer-term grants beyond the political cycle. In Canada, 10-year grants were implemented after consultation with Indigenous Peoples highlighted capacity issues and excessive administrative and reporting burdens regarding the application for government grants.⁴⁴ A similar policy would reduce the frequency and thus resourcing required to apply and provide more flexibility for Māori entities. Overall, grants are confined in their ability to resource rangatiratanga as the government determines funding criteria, levels and timing. However, if the above recommendations are implemented this can increase the autonomy of this revenue stream which remains the primary way that the Government provides funding for Māori.

REPARATIONS

Reparations are a form of redress through compensation for egregious injustices. While often financial, this compensation can also include non-monetary measures such as formal apologies and institutional and educational reforms.⁴⁵

The first advantage of reparations is that they seek to address the inequalities resulting from historical abuse or grievances. This could include wealth inequality, but as reparations are also non-financial, could encompass closing social gaps too. Secondly, as the United Nations Office of the High Commissioner for Human Rights [OHCHR] report highlights; “reparations help to promote trust in institutions and the social reintegration of people whose rights may have been discounted”.⁴⁶ Reparations encompass more than just the financial gain to those harmed; they also serve as an imperative step towards reconciliation. Finally, reparations formally recognise the injustices experienced and reassert those impacted as rights holders. In an Aotearoa context, this has been referred to as restoring the mana of Māori and the honour of the Crown.⁴⁷

A primary disadvantage of reparations is the dominating party’s lack of commitment to implementing them. States and other authorities often deny accountability for historical injustices, especially when they occurred over previous generations despite the enduring repercussions faced by descendants.⁴⁸ There is also the assertion that governments cannot afford the financial burden of paying reparations. However, this diminishes the reality of the government (and other institutions) continuing to profit from past participation in such injustices with Māori bearing the costs. For example, the dispossession of Māori land by the Crown financed colonisation, expanding Crown authority from which it and properties interests still benefit today.⁴⁹

Another argument against reparations regards the complication of defining and identifying who qualifies. For example, in America, not all people of colour are descendants of slaves, yet all experience racial discrimination and marginalisation, increased by intersections such as sex, gender, disability etc. The lack of commitment to reparations can also be made stronger by public opposition.⁵⁰ On the other hand, even when discourse for reparations is opened up, the amount offered is usually decided by the group in power, with little input from the group impacted and how the quantification of loss is determined is politically complex.⁵¹ Furthermore, the financialization of past trauma and harm can turn what could be reconciliation into a transaction. To resolve this, having the reparation process guided by the group impacted would allow for more inclusive and genuine attempts at reconciliation along with consideration of non-monetary reparation such as formal apologies. As the United Nations OHCHR report highlighted, the process can act as a “means to memorialize not only the suffering but also the resilience and dignity of victims through vigorous and respectful dialogues that provide everyone with the space needed to express themselves freely in a secure environment”.⁵²

Mini-Case to demonstrate: Treaty Settlements

In New Zealand, modern-day treaty settlements could be considered reparations as the Crown is providing compensation to Māori for its breaches of the Treaty of Waitangi, including land confiscation and attempted extinguishment of rangatiratanga.⁵³ These seek to restore the mana of Māori and the honour of the Crown. As treaty settlements are one of the most visible means for advancing justice (restoring stolen wealth), they are accompanied by a magnitude of political opinions and debate. Often presented as a massive transfer of wealth, the full account of finalised settlements from 1993 to 2018 sits at an estimated \$2.24 billion.⁵⁴ However, this was less than 0.2% of the government's total expenditure, estimated at \$1322 billion, over those 25 years.⁵⁵ Indeed, even the total cost for 25 years of the New Zealand Superannuation, of which the recipient's and Māori populations are similar (see Appendix B), was \$242.2 billion.⁵⁶ The Crown's capacity for spending is also demonstrated through one-off payments such as the \$1.6 billion spent in 2010 to bail out South Canterbury Finance. This \$1.6 billion payout occurred at a time when treaty settlements were yet to officially exceed \$1 billion.⁵⁷

Not only is the amount received by Māori well exceeded by the government's spending capacity, but these settlements represent a tiny fraction of the value lost to Māori.⁵⁸ The Crown has acknowledged this and instead places the focus on providing an economic base for iwi for their future development.⁵⁹ Indeed, these small individual settlements have, in some cases, become sustaining and viable economic bases. This is in the form of post-settlement governance entities (PSGE), with the most established examples being Te Rūnanga o Ngāi Tahu and Waikato-Tainui. How these PSGEs have used the settlements include; sustaining identity, social spending and 'defending the realm'.⁶⁰ For example, in sustaining identity, Te Rūnanga o Ngāi Tahu has invested in the reconstruction of archives to provide future generations access to Ngāi Tahu history and traditions.⁶¹ Further spending has gone towards social initiatives with a focus on housing, health and education, including the Whai Rawa investment scheme that encourages savings for education, home ownership and retirement. Finally, considerable resources are expended to defend Ngāi Tahu's title and authority.⁶² This includes resourcing kaitiakitanga, engaging with the Department of Conservation, and supporting local rūnanga to engage in biodiversity protection. In these ways, treaty settlements have allowed an economic base that Māori can use to expand rangatiratanga. But the scale of issues that iwi have to confront in the exercise of rangatiratanga, from biodiversity protection to elder care, spreads thin resources thinner.

Alternatively, existing critiques of post-settlement entities restricting rangatiratanga include that PSGEs are a way for the Crown to create a new partner for itself.⁶³ Indeed, the Crown prefers a centralised decision-making authority at the iwi level so as to engage with "large natural groupings", instead of recognising the traditional way of hapū, whānau and kāinga as self-determining institutions.⁶⁴ Additionally, the corporate governance model potentially financialises Indigenous rights and ways of life as concerns of economic sustainability can outweigh tikanga. Critiques of centralisation and financialisation are directed at PSGEs that were able to become sustaining economic bases. Meanwhile, even more concerning are the other iwi who have struggled to receive large enough settlements to address enduring inequalities and meet the needs of their people.⁶⁵

Acknowledging these critiques is crucial to recognising the role (or lack of) that treaty settlements have in funding rangatiratanga. After all, settlements remain one of the government's main mechanisms for redress with Māori. Therefore, for the government to move forward in fulfilling treaty obligations of just and equal partnership, considering settlements not full and final but rather as reparations allows for space to address some of the injustices faced by Māori. Despite claims to the contrary, Treaty settlements are not really full and final. Especially given the *ongoing* breaches of Te Tiriti that the Crown pursues, and the constant time, energy and resource that Māori have to exert to hold the Crown to Te Tiriti and settlement commitments. Ensuring that future compensation achieves the aim of providing enduring economic bases can expand rangatiratanga by giving Māori the financial means to govern themselves while reconciling how the Crown and Māori relate to one other in a way that is right and just.

PUBLIC PROCUREMENT

Another possible revenue stream is public procurement, referring to when a government agency buys goods or services from an external organisation. For resourcing rangatiratanga, particular interest has been given to social procurement. Diverging from public procurement, social procurement aims to create social value by providing more opportunity for marginalised groups, such as Indigenous Peoples, to participate in the economy. We might term this Treaty-led procurement in our context, and recent policy has sought to address this in some ways.⁶⁶

The primary advantages of social procurement policy include the economic participation of marginalised groups in the economy, start-up and small business development, and increased training and employment opportunities. This has the additional benefit of poverty reduction for marginalised groups.⁶⁷ In measuring the social return on investment for procurement policy in Australia, Supply Nation profiled five certified Indigenous suppliers and found that for every dollar of Indigenous procurement, there was an average \$4.41 return of indirect social and economic value.⁶⁸ The smaller Indigenous business providing cultural products and services possessed a higher social return on investment ratio.⁶⁹

However, social procurement can also harm the “beneficiaries” in a way that risks undermining the aims of the policy. Undertaking an analysis of Australia’s procurement policy Rogers et al identified the harms to include the cultural and financial costs associated with individuals moving away from their social networks to take part in the policy’s (often urban) employment opportunities.⁷⁰ This isolation from their communities can lead to cultural tensions where Indigenous individuals pursue sole profit above collective economic development.⁷¹ There is also the risk that some Indigenous businesses, especially those that trade cultural goods and services, may have to adjust their business model to receive procurement opportunities, impacting the integrity of those businesses.⁷²

Another disadvantage for Indigenous procurement policy, is the risk of double-taxing by shifting the responsibility of employing Indigenous Peoples from the state onto Indigenous businesses. Such a responsibility is not placed on non-Indigenous businesses. The risk of double-taxing was especially true for Australia’s procurement policy where political discourse shifted from Indigenous economic

participation to a regressive neo-liberal self-help agenda of Indigenous employment.⁷³ These risks have led to politicians overstating the positive effects of Australia's procurement policy.⁷⁴ Overcoming this requires inclusive policy design and including Indigenous peoples' definitions of value when measuring and reporting to ensure procurement policy considers more than the economic benefits to the beneficiary, and the reduced unemployment benefits to the state⁷⁵. Social procurement can also create market distortions by reducing competitive neutrality through advantaging certain suppliers, minimising incentives for other suppliers to compete, and limiting consumer choices.⁷⁶ Finally, it can incentivise misleading behaviour such as black cladding where contractors meet requirements by providing provisional or tokenistic jobs which overstates the positive impacts of the policy.⁷⁷

Mini-Case to demonstrate: Comparative analysis of New Zealand's and Australia's procurement policy

Australia first drafted procurement policy in 2008. The evolution, academic critiques and reported success of Australia's Indigenous procurement policy yields insights for the potential of a procurement policy to resource self-determination in New Zealand as well as help identify potential improvements. As such, this section introduces New Zealand's procurement policy, outlines Ruckstuhl, Short and Foote's early critiques of the policy⁷⁸, and recommends improvements by comparing it against Australia's procurement policy.

In December 2020, the New Zealand government announced its progressive procurement policy aimed at supporting Māori businesses.⁷⁹ As this policy is still in trial, its success has yet to be determined.⁸⁰ However, the policy was presented as a way to increase the Māori economy's resilience and assist their economic recovery from the impacts of Covid-19.⁸¹ The main clause ensures that at least 5 per cent of government and local government procurement contracts are awarded to businesses that have a minimum of 50 per cent Māori ownership or are defined as a Māori Authority by the Inland Revenue Department. Access to even a part of the estimated annual government spend of \$51.5 billion on procurement (according to 2021 figures) can increase Māori businesses' revenue-generating ability.⁸²

An early analysis of New Zealand's procurement policy by Ruckstuhl et al, critiqued its ability to only provide enhanced revenue-generating opportunities for Māori for contracts under \$100,000.⁸³ This is largely due to limited resourcing for Māori organisations when rivalled against larger or international ventures for bigger contracts. The authors recommend inserting employment or training clauses for under-represented groups into larger contracts.⁸⁴ This resembles Australia's mandatory minimum requirements which "requires suppliers to achieve a minimum percentage of Indigenous employment or supplier use (or a combination of both) on average over the term of the contract".⁸⁵ However, Ruckstuhl et al cautioned that this demands Māori to be reliant on third-party behaviour reducing Māori authority as guaranteed under Te Tiriti.⁸⁶

While providing relevant details of Australia's procurement policy, the recommendations identified for New Zealand's 2020 procurement policy include: introducing a values-based target, inclusive policy design and using Indigenous values and methods of evaluation.⁸⁷ The first recommendation is to introduce a

values-based target alongside the existing volume-based target. New Zealand's current social procurement policy approach is measured by the volume of annual procurement contracts awarded to Māori enterprises with a target of five per cent. While a volume-based target was originally also the approach Australia took, this incentivised issuing many smaller contracts, limiting the policy's efficacy. Subsequently, in 2015, Australia adjusted its procurement policy to consider the total volume alongside the total value of awarded contracts. This greatly improved the accountability and success of the policy with the total value of eligible procurements awarded to Indigenous organisations growing from 0.02 per cent in 2013⁸⁸ to over 1.25 per cent in 2020.⁸⁹ New Zealand should also consider including a value-based target to minimise tokenistic behaviour by buyers. After all, applying this to New Zealand's estimated procurement spend in 2021, Māori organisations could have received a total revenue of \$2.575 billion that year.⁹⁰

Secondly, achieving the procurement policy's goals requires ongoing partnership with Māori throughout the policy design. McCann and Ward found policy not to be fixed but rather a social process.⁹¹ What this means is, a policy can mutate beyond its original intent, especially if there are unequal power dynamics. As it stands, Te Puni Kōkiri and the Ministry of Business, Innovation and Employment have partnered to create the project; Te Kupenga Hao Pāuaua. This partnership project aims to "reduce barriers for Māori businesses to engage in government procurement processes and assist government agencies to implement the progressive procurement policy".⁹² It is yet to be determined whether the partnership demonstrates accountability and transparency between both parties without one dominating the other. However, including an authentic and continuous Māori voice ensures this partnership benefits Māori aspirations instead of a government agenda. This limits the opportunity for double-taxing, misrepresentation of policy success, sidelining Indigenous definitions of value, and is imperative to fulfilling Te Tiriti obligations of equal partnership. This expands the policy's potential beyond economic outcomes.

Finally, pertaining to ongoing partnership is the distinct inclusion of Indigenous values in the evaluation of procurement policy. The most articulated critique regarding Australia's procurement policy was the exclusion of Indigenous values which led to an inflated and westernised view of success that can exacerbate harm to Indigenous Peoples despite them being the beneficiary of the policy.⁹³ Research by Denny-Smith & Lossemore found western approaches to measuring social value to be innately financial and therefore less meaningful to Indigenous cultures that perceive social value differently.⁹⁴ For example, the Australian government focused evaluations on easily measurable outputs such as; increased labour tax revenue from Indigenous Peoples and reduced spending on unemployment and health benefits and criminal programs.⁹⁵ This ignores more encompassing methods of valuation that are imperative to Indigenous worldviews and way of life such as improved community and environmental wellbeing. As such, New Zealand should consult with Māori to include Indigenous values to ensure any procurement policy's evaluation methods are relevant and appropriate. This also allows Māori to define the parameters in which they develop economically, instead of being at the whim of how the government has determined Indigenous should "develop". This aligns with O'Sullivan's argument that "economic development serves a diminished purpose when it is removed from the cultural context it occurs in".⁹⁶ Of particular importance

to any future policy is the role that *mana whenua* play in procurement in contrast to Māori businesses as defined by the policy.

Treaty-led procurement policies could enhance rangatiratanga over biodiversity by prioritising Māori or *mana whenua* providers in the delivery of services related to biodiversity protection. In some ways, Jobs For Nature is akin to public procurement when it prioritises iwi, hapū, whānau led environmental projects.

MARKET-BASED INSTRUMENTS

Another possible funding source for resourcing rangatiratanga in biodiversity protection is through environmental market-based instruments (MBIs). The main aim of MBIs is to encourage the reduction of negative environmental externalities through financial incentives. These MBIs have grown in use by governments, often through cap-and-trade methods such as the Emissions Trading Scheme (ETS) or taxation. MBIs are believed to be more flexible, cost-effective, and likely to foster technological innovation than traditional command and control methods.⁹⁷ This is allegedly because the right to pollute will trade towards those who generate the highest value, whereas those who can cost-effectively reduce pollution will do so. However, the efficiency of MBIs relies on certain market conditions, including accurate measurement of externalities, keeping transaction costs low and an active regulatory body.

Critiques of MBIs include the loss of intrinsic motivations for conservation, the commodification of nature, and the promotion of unequal access to resources by privileging those with the ability to pay.⁹⁸ In particular, environmentalists caution that applying market values to ecosystem services can degrade their intrinsic value.⁹⁹ Additionally, there are limits to dividing an interwoven ecological system into measurable and tradable units.¹⁰⁰ Māori share the view of ecosystems as being interconnected.¹⁰¹ However, beyond the environmental implications of that perspective is the Māori worldview that nature is a living entity with its own *mauri* and *wairua*.¹⁰² These spiritual and ontological perspectives create cultural implications for commodifying Māori life-support systems through schemes such as the ETS. As such, careful consideration of how these schemes can be used to align with Maori values and provide economic benefit is crucial.

Mini-case to demonstrate: Wetlands and the ETS

A market-based example for resourcing rangatiratanga over biodiversity protection is an expansion of the ETS to include wetlands. Currently, there is potential for Māori landowners to gain resourcing through carbon credits for forestry. Māori landowners also receive payment for ecosystem services through the Ngā Whenua Rāhui Fund. This fund aims to "enable Māori landowners tino rangatiratanga associated with their land and to achieve specific biodiversity outcomes" and applies only to undeveloped land.¹⁰³ However, the Ngā Whenua Rāhui Fund and current ETS credits are limited in their application and financial benefit to landowners. A report by Poipoia Limited, commissioned by the Tax Working Group to provide Māori insight on environmental taxes, proposed expanding the ETS to include wetlands.¹⁰⁴ This was

reasoned to provide legitimate economic value to Māori landowners that further supports their existing motivation to protect the land.

Wetlands provide ecosystem services such as water quality management, flood control, carbon management, critical habitat services and increasing biodiversity.¹⁰⁵ Moreover, although wetlands naturally emit methane, more carbon is stored than emitted over the long term. As a result, wetlands provide a net cooling effect and mitigate climate change impacts.¹⁰⁶ However, there has been a decline in wetland areas for urban development and agricultural conversion.¹⁰⁷ Subsequently, including wetlands in the ETS would incentivise the continued protection and provision of wetland areas and ecosystem services. In 2018, Poipoia Limited estimated the total value of wetland carbon credits using the market average of New Zealand carbon credits across 12 months. This value was estimated to be between \$670.1m and \$2.26b. Māori, who own 4% of the total wetland area, could have potentially earned between \$26.1m and \$88.0m.¹⁰⁸ Therefore, while outlining the limitations of the analysis, such as the complexity of measuring carbon stock and sequestering rates due to their highly variable nature, Poipoia Limited determined there is potential for wetlands to provide a return to landowners through the ETS. This can provide Māori self-sufficient funding that can be used to support other areas of rangatiratanga.

However, former Māori Member of Parliament, Hone Harawira of Ngāpuhi provides a structural critique of market-based funding:

“[I]s this emissions trading scheme really the answer to all our climate change problems, or is it just creating another property rights regime to let the world’s biggest polluters continue along their merry, filthy way? Charging people for greenhouse gas emissions was supposed to encourage businesses to come up with alternatives to fossil fuels, but all it is doing is giving them an excuse to continue. Why bother with the expensive, long term structural changes if we can meet our targets by simply buying pollution rights from operations that can reduce their carbon cheaply?”¹⁰⁹

Any financial benefits gained by Māori would not compensate for the damage done to the environment.¹¹⁰ Especially as the ETS has not significantly reduced domestic emissions to date¹¹¹, which presents the question of; what is wrong with New Zealand's current ETS? Many policy makers, politicians and scholars have and are currently grappling with this question.

Firstly, the country relies on the ETS as its primary tool against climate change.¹¹² Yet the agricultural sector, which contributed 48% of total gross emissions in 2018, is not currently included in the ETS, although incoming changes have been signalled in this regard.¹¹³ Furthermore, only in 2020 did the Government implement a cap for a scheme that requires an upper limit to be effective. Further changes to the ETS and supporting policy may need to be implemented before the ETS can be a valuable tool against climate change and, more importantly, before Māori can use it to resource rangatiratanga. To make the scheme more applicable to Māori landowners, including mātauranga Māori and values in its reform alongside government legislation that holds all emitters accountable could reduce the current

exploitative model of the ETS. Alternatively, although not explored in this document, there is growing interest by the Tax Working Group in using environmental taxes to reduce negative externalities.¹¹⁴ This can also provide a funding source for Māori rangatiratanga. The Working Group acknowledged the current limited institutional capacity to design and implement environmental taxes, but further research could address these constraints.

Ultimately, MBIs should be approached with caution because they transform a multitude of life ways that Māori may hold dear, into quantified abstractions. This raises the contradiction of the role that particular mode of resourcing plays in transforming what rangatiratanga actually represents. If rangatiratanga must be compromised to access resourcing, then is it really rangatiratanga?

DEBT

Another possible source of revenue is utilising national debt to invest in Māori-led conservation projects. Governments use debt to finance public projects that improve citizens' standard of living. For example, the government outlined in the Wellbeing Budget 2022: A Secure Future the use of debt for investment in the COVID-19 recovery, child poverty, housing affordability and climate change.¹¹⁵ New Zealand has had some of the lowest public debt levels globally, with net debt current at 16.9 per cent.¹¹⁶ These levels are forecasted to continue being low (Figure 5), demonstrating responsible investing. However, too much debt can lead to economic problems such as increased interest rates and inflation, as investors want an additional return for the increased risk of default. This inflation could induce a fiscal crisis that negatively impacts citizens through increased unemployment, poverty and vulnerability.

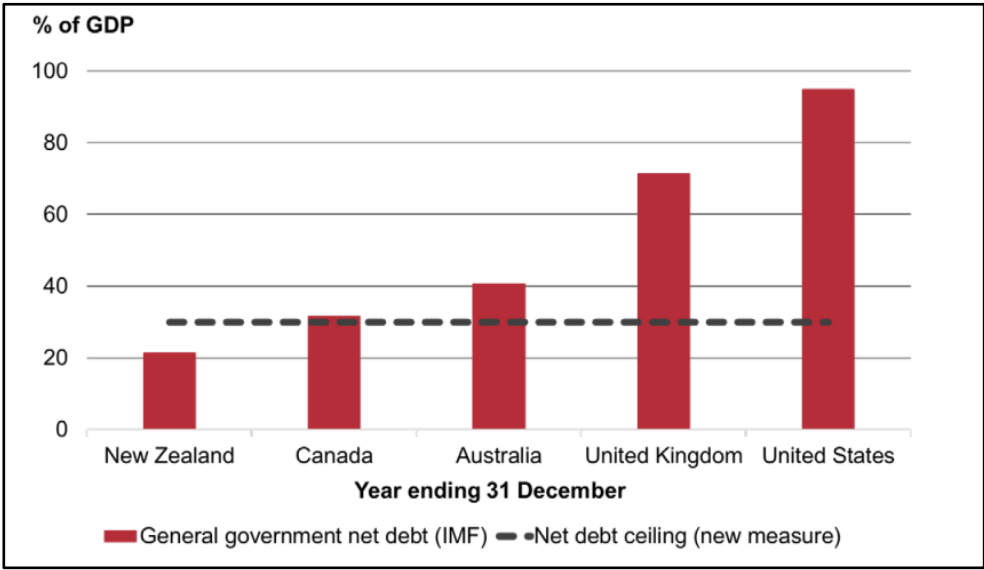


Figure 5. The International Monetary Fund general government net debt in 2023.¹¹⁷

One method that governments employ for raising debt is through public nominal bonds. The general public purchases these bonds at principal, in return for periodic interest payments and the bonds principal at maturity. Sovereign green bonds also utilise public debt, but this is directed towards exclusively financing projects that mitigate climate change impacts or have positive environmental outcomes. As such, green bonds were established to increase the number and ratio of environmentally-friendly projects. Globally, green bonds are a part of the rapidly growing sustainable debt market with green bond issuance reaching USD522.7 billion worldwide in 2021 (Figure 6).

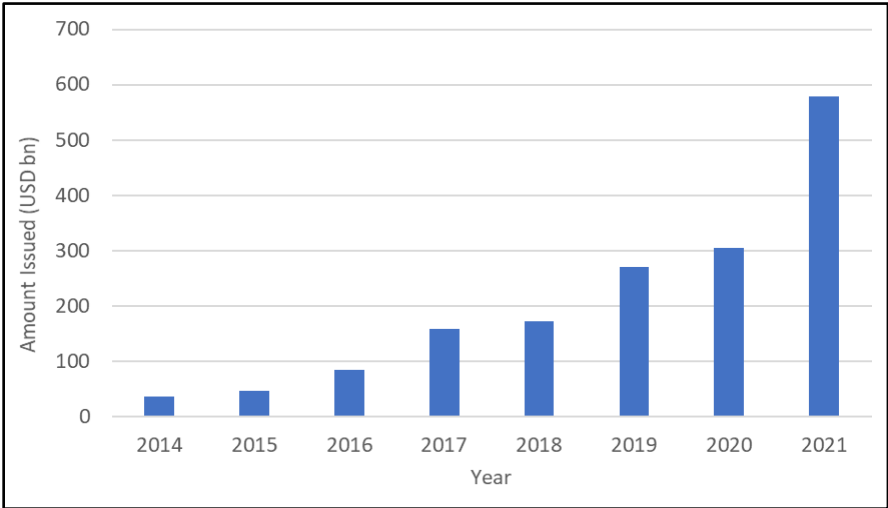


Figure 6. Total green bonds issued globally.¹¹⁸

Mini- Case to demonstrate: Sovereign Green Bonds

The New Zealand Government’s recent establishment of Sovereign Green Bonds represents another possible source for resourcing rangatiratanga in biodiversity protection.¹¹⁹ The government has announced they will be using green bonds to finance projects in green transport, energy-use, infrastructure, land and resource use, climate change adaptation, sustainable water use, and pollution prevention and control.¹²⁰ These bonds will be available in late 2022 and will not require the government to take on new debt but instead change how some previous bonds are issued.¹²¹ The Treasury and to-be founded Green Bonds Committee will be overseeing the selection process, starting by engaging with relevant government agencies to identify potential eligible projects within the above established categories.¹²² As such, Māori looking for financing for conservation projects will have to engage with Ministries, indicating a preliminary limitation for this revenue stream in resourcing rangatiratanga.

A fundamental advantage of green bonds is that they allegedly facilitate the funding of projects with reduced environmental externalities.¹²³ However, it must be cautioned that this reduction is sometimes negligible and depends on other factors such as market maturity, use of external review, or whether bonds achieve additionality, which refers to financing of new projects that otherwise would not have been funded by traditional bonds or other financial instruments. For example, Fatica and Panzica found an average 4 per cent decrease in the Scope 1 direct carbon emissions for firms issuing green bonds.¹²⁴ This

reduction increased to an estimated 9 per cent for firms using the bonds to finance new projects, achieving additionality.¹²⁵ To give context, global greenhouse gas emissions must fall by an average 7.6 per cent each year between 2020 and 2030 to ensure the increase in global average temperature remains below 1.5°C.¹²⁶ This percentage only increases the longer action is delayed. As such, concerning the results from Fatica and Panzica, green bonds will help support global climate change goals *only* if companies are using them to finance new projects, as this was found to reduce emissions by an estimated 9 per cent.¹²⁷

It should be noted that this analysis is limited by the infancy of the green bonds market and the resulting meagre amount of studies on the efficacy of green bonds. It would also be beneficial to research the emission reductions of Indigenous-led projects financed by green bonds. This is because, Tauli-Corpuz, Secretary-General of the United Nations, found Indigenous-managed protected areas to have positive conservation outcomes above state-managed protected areas.¹²⁸ If similar conclusions were drawn for Indigenous-led projects funded by green bonds, it would demonstrate the importance of resourcing Indigenous Peoples in biodiversity protection while better fulfilling the bonds aims of financing schemes with robust environmental outcomes.

A second advantage of sovereign green bonds is the capability to fund intergenerational projects. As government's have longer lifespans than private investors, they can accept prolonged returns on projects, especially those focusing on building green infrastructure assets.¹²⁹ This is imperative to address the many environmental issues occurring across significant time-frames with enduring consequences.¹³⁰

A final advantage of green bonds pertains to the economic, cultural, and empowerment benefits for Indigenous communities. Sovereign green bonds can fund projects that reconcile Indigenous peoples with their land while still providing economic development. To illustrate, Mihsakwan James Harper discusses community-owned clean energy projects' economic and cultural potential in building a just and sustainable society.¹³¹ These green projects provide Indigenous communities with affordable energy while encouraging "decentralization, interconnectedness, and circular economies".¹³² Using green bonds for investment stimulates capital flow into Indigenous communities, increasing the scope and size of future iwi-led projects along with the economic and cultural benefits they bring.

David Hall and Sam Lindsay published a detailed concept paper to explore innovative financial instruments that deliver biodiversity outcomes¹³³. They include green bonds in their analysis and argue, among other things, that the market does not have a strong enough price signal for bonds to work specifically for bioheritage and there are limited cashflow opportunities for protecting ecosystems because of our strong emphasis on free public access.

However, green bonds are limited by additional risk, ambiguous integrity, the potential to amplify inequalities, and the financialisation of the environment. Firstly, green bonds carry more risk that reduces its' performance financially and environmentally. For example, green bonds tend to have a lower rate of return due to the additional costs associated with promoting the integrity of the bonds, such as certification and risks, such as the market's infancy.¹³⁴ This makes it challenging for green bonds to

mobilise capital and provide a competitive return to investors on par with traditional bonds while realising a positive environmental impact. As such, green bonds have been criticised for their inability to achieve additionality, which is imperative for redirecting capital from brown or neutral projects to greener ones to increase the environmental performance of green bonds.¹³⁵ Indeed, the New Zealand Sovereign Green Bond Framework outlined using bonds to refinance expenditures, reducing the likelihood of additionality and conflicting with the aims of building a sustainable economy.¹³⁶

To achieve additionality, Jones et al. discuss the necessity of “preferential tax treatments or an investment culture willing to pay a green premium”.¹³⁷ Although not mentioned in the framework, preferably, the government will accept a lower rate of return for Sovereign Green Bonds, as any positive environmental impacts resulting from the funding of green projects reduces future outlays to mitigate or restore the environment. For example, funding projects to protect New Zealand's biodiversity reduces the future costs associated with restoring fresh water, food, and nutrition security which underpin wellbeing. By accepting a lower rate of return, the government can invest in projects that address the long-term, enduring, and less visible parts of the environment that tend to be excluded from private investment or environmental budgets.¹³⁸ Such projects may fall under iwi-stewardship, creating an opportunity to increase additionality in a way that facilitates Te Tiriti partnership.

A second limitation of green debt is ensuring the integrity of the projects funded. This is about guaranteeing projects achieve positive environmental outcomes instead of greenwashing. This can be achieved by standards around selecting, monitoring and reporting green bonds. However, while such international standards and certifications exist, these are voluntary as the green debt market is primarily self-regulated.¹³⁹ Even once certified, Jones et al warn that there is little incentive to monitor the actual impact of the underlying projects.¹⁴⁰ Alternatively, Fatica and Panzica found that out of the firms issuing green bonds, there was an increased reduction in direct carbon emissions from certified projects as opposed to those not.¹⁴¹ As such, there is still ambiguity around whether certifications increase the efficacy of green bonds. This lack of regulation, with or without accreditation, reduces accountability and has led to green investors financing some environmentally dubious projects.¹⁴²

Regarding New Zealand's Sovereign Green Bonds, the Treasury has recently released a framework (Appendix A). This framework was externally certified by Sustainalytics as aligning with the Green Bond Principles, an internationally recognised standard. While perhaps a positive step towards ensuring green debt integrity, it should be noted that this framework failed to include Māori definitions of value. This leads into the third limitation of green bonds; its potential to amplify inequalities.

The amplification of inequalities through green bond usage occurs in two ways. The first is through risk transfer from the investor to the general public. Case studies by Jones et al found the public's exposure to financial and environmental risk heightened by projects funded from green bonds as the additional costs cut into the capital available.¹⁴³ To reduce the public's risk, the government should prioritise using grants over debt, especially for environmental projects more directly tied to public wellbeing. However, if green debt is to be used, it needs to ensure there is a way to protect and expand environmental projects

that benefit underrepresented groups. This recommendation emerged from the growing need to diverge from short-term financial performance to long-term value creation for all stakeholders.¹⁴⁴ It also recognises that climate change disproportionately affects certain groups, including Māori. The Sovereign Green Bond Framework has begun to account for this by including the "number of regions, communities and/or Māori supported" as an indicator for success.¹⁴⁵

A second way green debt amplifies inequality is through the unequal ability of groups, including Māori, to secure investment. The government will only take on debt for projects they believe will be successful. This is often defined by the project's monetary return and, in the case of green debt, its environmental outcomes too. However, the environmental outcomes outlined in the Sovereign Green Bond Framework have excluded Māori environmental values and measures of success, often in the form of obligations to the land, biodiversity, and local community. This makes it harder for Māori to secure investment and shows a lack of partnership.

Instead, McMeeking et al. review how incorporating tikanga into policy leads to better outcomes for all New Zealanders and alleviates inequalities experienced by Māori.¹⁴⁶ Supporting the inclusion of Indigenous concepts of wealth, Borrows and Praud discuss how defining success as short-term capital accumulation limits the potential of funding projects that provide a broader range of benefits.¹⁴⁷ These include environmental benefits and the right to self-determination by recognising Indigenous title to land and water. Therefore, to provide an effective, equitable and Indigenous-empowering solution to addressing the environmental crisis, the Sovereign Green Bonds Framework must extend beyond the monetary and Western inclusion of environmental measures to encompass tikanga Māori without damaging its integrity. Additionally, reserving a portion of the green bonds specifically for iwi-led projects further reduces the barriers Māori experience when securing investment.

A final limitation regards the financialisation of the environment. To place a dollar figure on often long-term, uncertain, and complex environmental outcomes assumes these characteristics are correctly accounted for and renders less measurable outcomes (such as recreational and spiritual worth) invisible.¹⁴⁸ This is why many ecological benefits are undervalued or not traded in markets, contributing to the growing climate crisis.¹⁴⁹ There is also the question of whether market mechanisms, such as green debt, can fix the issues caused by the market in the first place. Erik Swyngedouw, when referring to eco-technologies, argues that capitalism defends itself by creating a socio-ecological fix to ensure no change really happens.¹⁵⁰ Similarly, green debt can be seen as capitalism's fix to the unsustainable and harmful capital markets that have contributed to environmental ills. Indeed, financing the environment through debt can have unintended consequences that may restrict rangatiratanga through coercive forces of markets. Because of this, both debt and the market mechanisms in the previous section should be approached with caution.

Overall, green bonds' ability to achieve environmental outcomes is contingent on the market's design, governance and wider political-economic environment in which it operates.¹⁵¹ This means New Zealand sovereign green bonds should be met with caution but have the potential to resource Māori-led

conservation projects. This regards projects that traditional bonds or government grants would not otherwise fund to ensure additionality. Such a project may be addressing environmental issues that are long-term, less visible, and not the priority of the current government due to the political short-termism in New Zealand's electoral cycle.¹⁵² However, to improve the wider political-economic environment these bonds operate in, the sovereign bonds must address green bonds' integrity, equity and financialisation limitations. This requires including the previously unheard and marginalised Māori voices within the framework if so desired. After all, if the government is committing to sovereign bonds, it should be doing so in a way that maximises positive environmental outcomes while ensuring not to further exacerbate social inequalities.

Section 2B: Progressive Revenue Streams

According to Adam Smith's fundamentally used principles of taxation, a good tax should be fair, certain, convenient and efficient.¹⁵³ As such, the advantages and disadvantages of taxes, rates and levies rely on whether they fulfil these criteria according to mainstream tax perspectives. In Aotearoa we might add two more principles that focus on Articles 2 and 3 of Te Tiriti – for example, does this tax or levy uphold rangatiratanga and achieve equity across ethnic lines, or reverse ethnic inequity? This has implications for whether tax policy is in line with Te Tiriti o Waitangi. For this reason, we focus on the possibilities of tax, rates and levies in this section including formalised revenue sharing, targeted relief, or direct collection by Māori.

LEVIES

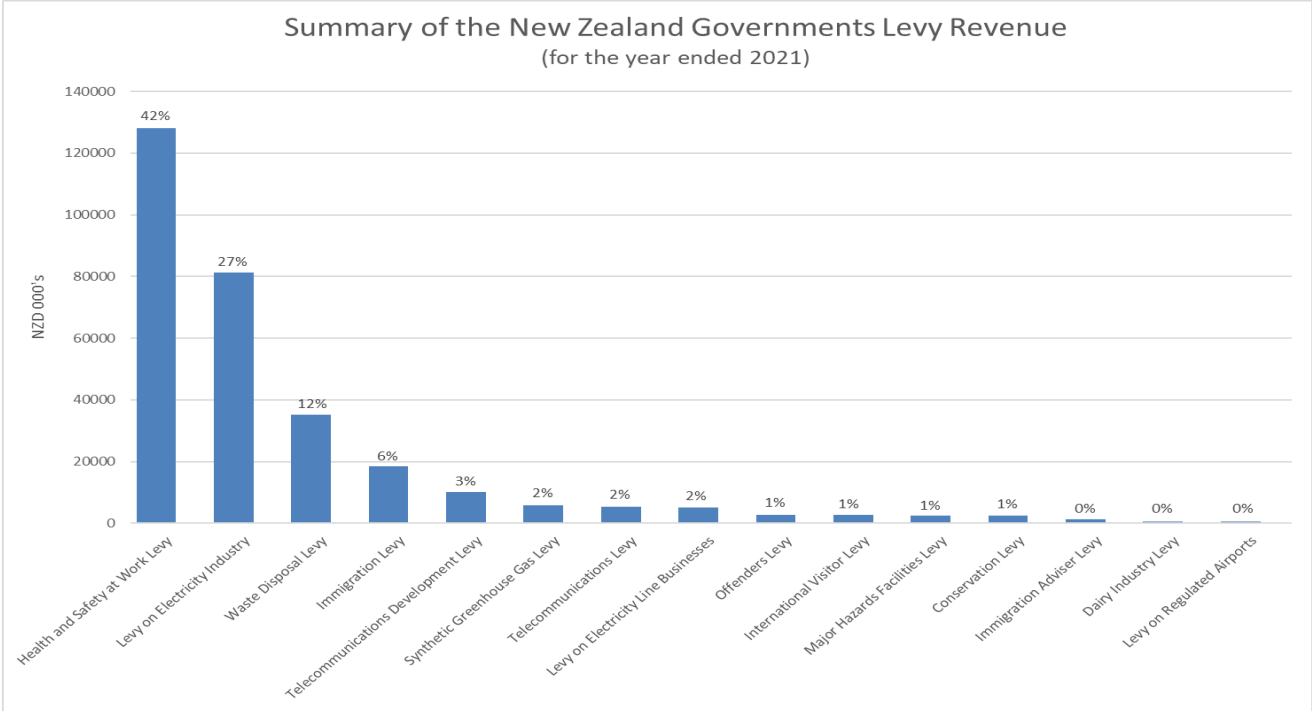


Figure 7 Summary of New Zealand Government levy revenue.¹⁵⁴

The New Zealand government received \$302.23m in levy for the year ended 2021. Levies are a specific tax imposed on individuals or groups to generate revenue, usually to cover the cost of a particular scheme. Those charged may play a role in exacerbating the issue the scheme addresses, such as fuel levies to fund infrastructure, or tourism levies to protect biodiversity. Alternatively, it may target those benefiting from the scheme, such as the Accident Compensation Corporation (ACC) levy to compensate accidental injuries. Levies are thus a targeted form of taxation, and therefore have potential for resourcing rangatiratanga. For example, in New Zealand, the ACC levy is fair in that it adjusts to taxpayers' respective conditions and ability to pay. This is referred to as vertical equity and is fulfilled by the levy's amount adjusting with wages. The ACC levy also accomplishes horizontal equity by impacting a range of parties rather than specifically disempowering one group. Certainty refers to whether those paying know why and how their levy is used. This is often accomplished through annual reports that are accessible online. Convenience and efficiency are about the simplicity in paying a levy and the administrative costs of collecting it. To illustrate, these two conditions are fulfilled for ACC, but the Waste Disposal Levy, for example, lacks convenience and efficiency due to its ability to be evaded.

Mini-case to demonstrate: International Visitor Conservation and Tourism Levy

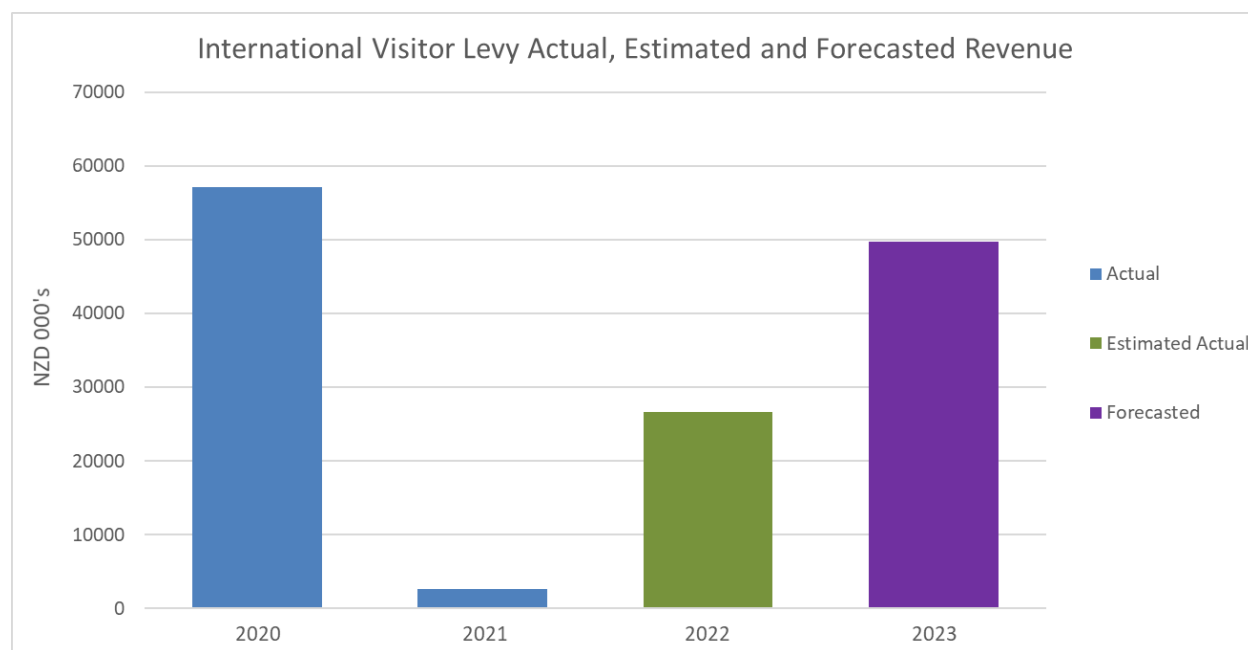


Figure 8 IVL actual, estimated and forecasted revenue.¹⁵⁵

The levy we have chosen to discuss as a possible funding source is the International Visitor Conservation and Tourism Levy (IVL). This \$35 levy, implemented in July 2019, is automatically charged to visitors alongside their visa or NZeTA (New Zealand Electronic Travel Authority) fees. The levy's revenue is evenly divided between conservation and tourism projects and aims to "contribute to the long-term

sustainability of tourism in New Zealand by protecting and enhancing our biodiversity, upholding New Zealand's reputation as a world-class experience, and addressing the way critical tourism infrastructure is funded".¹⁵⁶ Consequently, it has the potential to fulfil its aim of protecting biodiversity by funding Māori rangatiratanga in the conservation sector. This could be achieved through formalised revenue sharing or targeted grants.

As it currently stands, the final investment decisions are authorised by the Ministry of Business, Innovation and Employment (MBIE) and the Department of Conservation (DoC). The guiding documents for the levy's investment priorities are the New Zealand-Aotearoa Government Tourism Strategy and DoC Visitor and Heritage Strategy, with both discussing building more meaningful partnerships with Treaty Partners.¹⁵⁷ However, so long as Māori have no authority over the final investment decisions of the levy, they are treated more as stakeholders to be consulted with than equal partners to make decisions with.

Instead, there is a direct opportunity to build a more meaningful relationship between the Crown and Māori through allocating a portion of the revenue from this levy to resource rangatiratanga so mana whenua can make decisions about their whenua. This would better enable MBIE and DoC's partnership obligations with Māori on a level beyond stakeholder consultation. Partnership requires all parties having control of investment decisions. Using the levy to directly resource iwi/hapū/whānau-led projects enables those in the best position to protect the environment as kaitiaki. Finally, it recognises the complex relationship Māori have with tourism in Aotearoa.

The advantage of using the IVL to resource rangatiratanga over biodiversity protection is that it is easy to administer and simple to pay, fulfilling the convenience and efficiency principles of a good tax. The levy also completes the certainty principle with online and accessible information on its purpose, distribution of the revenue, and the amount collected over the 2019/20 period. As the levy is a flat, low-rate charge, vertical equity is not relevant. However, the levy is ambiguous on whether it fulfils horizontal equity. On the one hand, it uses the funds to build sustainable tourism infrastructure by charging tourists for their possible contributions to biodiversity harm. On the other hand, New Zealanders also contribute to biodiversity harm yet are not subject to the levy. Therefore, the levy's fairness relies on whether its revenue contributes to the long-term sustainability of tourism by mitigating tourism impacts on the environment.

A crucial disadvantage of using this levy for this purpose is its reliance on arrival numbers and the subsequent impact of COVID-19 on the revenue generated for the levy. To illustrate, the levy produced over \$57 million across the year 2019/20. This was a 30% decrease to the forecasted revenue of \$82 million due to border restrictions halting arrival numbers as a response to COVID-19. Furthermore, even as border restrictions decrease, there may be negative attitudes and intentions towards international travel that continue to limit tourist numbers.¹⁵⁸ Additionally, the levy is ethically conflicting in that tourism and flying contributes to the climate crisis and biodiversity loss – the very problem the levy aims to address.

This considered, the levy remains a future potential option to resource rangatiratanga. To realise this, adjustments should be made to the investment plan to include Māori input in the investment decisions. Consulting with and planning Iwi-led projects in preparation for the levy's revenue increase is crucial to resource rangatiratanga, protect the environment visitors so wish to see, and uphold the wider cultural relations and tikanga between tangata whenua and the Crown. This will also have implications for accountability and may increase reporting requirements of those that the funds are distributed to.

TAXES

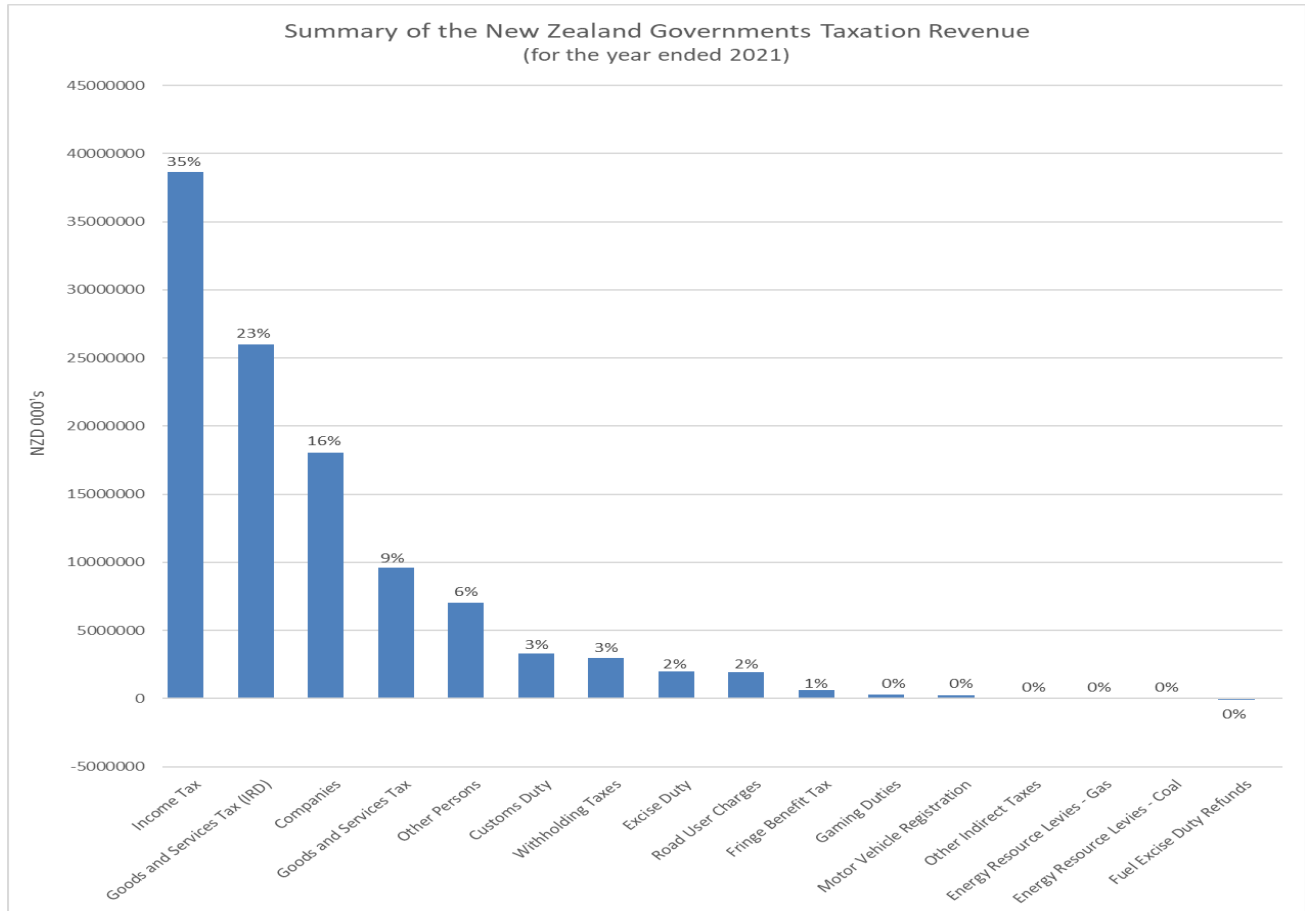


Figure 9 New Zealand Government taxation revenue.¹⁵⁹

A second possible source of funding is using taxation to resource rangatiratanga. The tax system is necessary to support the wellbeing of New Zealanders by providing revenue for public goods such as healthcare, education and infrastructure.¹⁶⁰ New Zealand's use of a progressive income tax in its system, with associated transfers also plays a minor role in reducing inequality through redistributing wealth.¹⁶¹ Taxes also act as a policy instrument to influence behaviour by incentivising or discouraging specific actions. Alcohol and tobacco taxes are one example within New Zealand, and policymakers are more readily considering taxes to reduce behaviour that negatively impacts the environment.¹⁶²

The Tax Working Group, the advisory body on New Zealand's tax system, was tasked in 2017 with considering how to make the taxation system fairer. They found that New Zealand's tax system has many strengths, such as a globally competitive broad-based, low-rate tax system that generates comparable tax revenue to other OECD countries.¹⁶³ This makes the tax system efficient but was not considered by the Working Group to be highly equitable or balanced. Indeed, the report found that New Zealand's tax system reduces income inequality by less than the OECD average.¹⁶⁴ This inequality was attributed to the New Zealand tax system not being considered particularly progressive. This is because New Zealand, unlike other developed countries, does not include a tax on capital gains. As a result, individuals earning the same amount of income may face differing tax obligations due to whether that income stems from capital gains or wages.¹⁶⁵ As such, the Working Group believes that instating a capital gains tax to reduce the bias towards investing in assets, and particularly the property market, will improve the "fairness, integrity and fiscal sustainability of the tax system".¹⁶⁶ The second gap identified by the Working Group within New Zealand's tax systems is the underutilisation of environmental taxes. In 2013, New Zealand ranked 30th out of 33 OECD countries for environmental tax revenues as a share of total tax revenue.¹⁶⁷ As such, the Tax Working Group believes there needs to be more consideration of natural capital in tax policy as it contributes significantly to the economy and, more importantly, the wider wellbeing of citizens.

Mini-case to demonstrate: Land tax

While environmental taxes certainly hold potential for resourcing rangatiratanga, this has been well covered in past work.¹⁶⁸ Instead, we explore the contemporary possibilities of reinstating land tax, an annual tax liability on the unimproved value of land. In New Zealand's tax system, a land tax acted as a capital gains tax from 1878 to 1992.¹⁶⁹ Over time, various forms of taxation have disproportionately affected Māori.¹⁷⁰ Significant Māori opposition to a land tax *by the Crown* exists because it could continue dispossession. As such, using a land tax to resource Māori rangatiratanga could create a contradiction if it is not designed in a way that acknowledges the dislocation and dispossession of Māori land, resources and self-determining authority that continue to impact Māori. With these acknowledgements, however, a land tax could be a potent tool for resourcing rangatiratanga if designed with Māori. A land tax can be utilised to directly resource Māori to protect their whenua and fulfil iwi's conservational aspirations as kaitiaki. This acts as an opportunity for Māori reconciliation with their land and reconciliation between Māori and the Crown.

Beyond its potential use to resource Māori rangatiratanga, Land Tax was reasoned to be "the most just and equal of all taxes".¹⁷¹ A land tax collects revenue from the unearned benefits of increased land value from the community rather than individual efforts. The ample and fixed supply of land also enables an efficient revenue stream for governments.¹⁷² A land tax can also be used to prevent land speculation and monopolies.¹⁷³ Indeed, the land tax in New Zealand succeeded in producing "75.7 per cent of total land and income tax revenue in 1895".¹⁷⁴ A land tax is also advantageous because it is convenient to administer, submit taxes and collect. This is attributed to the land being unable to be moved or hidden, so tax evasion is difficult.¹⁷⁵

However, prior to the land tax being abolished within New Zealand, it faced continued opposition politically, and so extensive exemptions were introduced from its establishment for a range of groups. This included Universities, Māori, and later the agricultural sector, placing most of the burden on businesses.¹⁷⁶ As a result of the tax eventually only applying to a small minority, it produced minimal revenue, had little effect on reducing land prices, and was no longer necessary or effective as a means of breaking up significant land holdings.¹⁷⁷ So the land tax was abolished in 1991¹⁷⁸, and according to the Haig-Simons comprehensive income model, this created a gap in New Zealand's tax system.¹⁷⁹

Nevertheless, despite New Zealanders taking advantage of the current tax system by primarily investing in residential property (and the land underneath), reinstating a land tax is still seen as politically unpalatable. This is witnessed by the Tax Working Group not recommending a land tax in their Final Report and the subsequent rejection of the Capital Gains Tax.¹⁸⁰ Furthermore, there are equity concerns, especially concerning horizontal equity. As Barrett and Veal argue, horizontal equity can pose an issue while vertical equity is less relevant for flat and low-rate land taxes.¹⁸¹ Some groups, such as older people with fixed incomes through the national superannuation, tend to own disproportionately expensive properties relative to their incomes. There were concerns raised by Māori parties of being disproportionately affected and alienated from the land in the face of a land tax.¹⁸² A particular concern was whether returned land could maintain the same level of redress, as the original land negotiations took place in good faith that no land tax would be imposed. The Tax Working Group responded to these concerns with potential solutions. Solutions include applying a discount to the valuation of Māori land, applying a de minimis threshold (based on value per hectare) which excludes a large proportion of Māori land due to the generally low monetary value or exempting Māori land from the tax altogether.¹⁸³ Along with potential equity issues, it is far more challenging to assess land value than capital value. Numerous valuation errors regarding the land can create further implications for equity concerns and reduce certainty factors. Alternatively, Barrett and Veal believe that Alan Dornfest's contributions to valuation practice, such as annual assessments, frequent reappraisals and quality assurance, would aid in reducing those equity and efficiency risks.¹⁸⁴

Overall, a land tax is convenient and efficient in its application but is ambiguous in fulfilling the equity and certainty principle and, as a result, requires careful implementation and valuation. The possible role a land tax may play in combating the current housing crisis, which disproportionately affects Māori and continues dispossession, while providing a revenue stream for rangatiratanga, means it or other tax mechanisms should be further considered.

DIRECT REVENUE RAISING BY MĀORI

While formalised revenue sharing of levies, rates and taxes is one possibility, direct collection of levies, rates and taxes *by* Māori is another. A key identifier of sovereignty is the right to exercise taxes. Therefore, as Māori did not cede sovereignty under the Treaty, they potentially have a claim to taxation rather than relying on concessions from the Crown.

The primary advantage of Indigenous taxation is the enhancement of Indigenous self-governance and, therefore, self-determination. This enhancement results from sufficient revenue-generating opportunity, the autonomy to determine how that revenue is generated and spent, and the increased accountability of Indigenous entities toward their communities. Firstly, as expected, exercising tax provides the economic base required for projects fulfilling Indigenous needs and aspirations.¹⁸⁵ Furthermore, Indigenous taxation allows autonomy to determine how that economic base is generated and spent, reducing the dependency on the government. To illustrate, revenue from Indigenous-exercised tax bypasses the bureaucratic mechanisms of control required to access any form of government wealth. These bureaucratic mechanisms involve the excessive administrative and reporting burdens that challenge Indigenous capacity and tend only to exist to ensure Indigenous compliance with funding conditions, creating a fiscal relationship closer to government-to-administrator as opposed to government-to-government.¹⁸⁶ These barriers to accessing wealth are only exacerbated by the additional uncertainty surrounding the volatile three-year political cycle. As such, Indigenous-exercised taxation allows authority over the generation and expenditure of revenue directly impacting their communities and provides an elevated certainty of future revenue streams to support long-term decision-making.

Independently generated tax revenue also increases Indigenous decision-makers accountability in providing services aligned with iwi, hapū, and whānau aspirations. This expanded accountability results from government-imposed conditions no longer constraining the decision-makers. This increases the performance of Indigenous entities as members will be more interested in spending decisions outside of the government's influence, especially if they are also paying some of these taxes. Overall, an economic base not dependent on the Crown's benevolence, capricious political cycle and not subject to bureaucratic mechanisms of control will better support Māori in resourcing rangatiratanga.

Disadvantages of Indigenous taxation regard the potential of limited capacity to design, administer and collect taxes and an inherent public and political opposition. Firstly, Indigenous bodies may not have the same ability as the government to implement taxes due to limited resourcing, infrastructure, and expertise. However, this is due to historical dependency on the Crown for resourcing, so the government could provide an external body that delivers advice without imposing control. This ensures the tax policy does not restrict the very self-determination it should fund.

The second disadvantage to Indigenous taxation is the political opposition, with even this subsection of exploration likely to engender public outrage from a place of insecure sovereignty. Simply put, such a profoundly rooted opposition requires systemic change to ensure that the initial implementation and ongoing consultation between the government and iwi is representative of an equal partnership. Even in existing co-governance agreements that should represent equal partnership, the government has not relinquished political and legal authority over the laws and structure of these arrangements.¹⁸⁷ Instead, the government should enhance Māori political authority by providing a partnership that affirms the decision-making authority of hapū and establishes legal provisions for Māori to contest appropriations of the partnership. However, such a development would require systemic change within the government and the wider public. Finally, jurisdiction will be a substantial challenge. Whether based on geography –

e.g. porous and overlapping iwi and hapū borders – or on area of interest – e.g. biodiversity, work, health, infrastructure, and associated taxes, levies or rates.

Alternatively, an intermediary step towards executing Māori right to taxation is implementing tax-revenue sharing agreements or targeted relief. This is especially so for taxation on resource use where Māori have a clear claim or interest, such as wai and whenua.¹⁸⁸ Such arrangements would not be the first to be implemented globally as can be witnessed by the following section on the First Nations and Canada's fiscal relationship, including the right of First nations' exercising tax and tax revenue-sharing arrangements.

Mini-Case to demonstrate: Canada and First Nation's Fiscal Relationship

Canada and First Nations have been working towards a just fiscal relationship to ensure "sufficient, predictable and sustained funding for First Nations communities".¹⁸⁹ The fiscal model (see Appendix C) outlines all revenue streams received by the First Nations, with critical components being tax-revenue sharing and the First Nations' exercise of tax powers within their reserves.¹⁹⁰ Tax revenue sharing agreements are established at provincial level. For example, the Province of British Columbia has a forest revenue sharing agreement with First Nations as part of its' Declaration Act Action Plan in recognition of UNDRIP.¹⁹¹ Alternatively, the First Nation right to tax occurred initially at a federal level, with the Canadian government introducing the Indigenous authority to property tax in a bill in 1951.¹⁹² Potential for exercising new taxes was then introduced in 1985 under the Indian Act [Section 83]¹⁹³, with authority to pass by-laws over taxes in the 2006 First Nations Fiscal and Statistical Management Act (renamed as the First Nations Fiscal Management Act or FMA).¹⁹⁴ Currently, an estimated 30 per cent of First Nations in Canada have exercised the right to levy taxes according to one of the two acts. These are typically property and sales taxes (like rates and GST)¹⁹⁵

Consistent with the stated advantages above, participating First Nations gained a sufficient revenue-generating opportunity, improving the community's economic situation.¹⁹⁶ This stable revenue stream is being used to support the long-term development and well-being of the community, enhancing First Nation self-determination. Additionally, it improved self-government's performance due to the increased accountability to the community invested in the outcomes.¹⁹⁷

Although exercising tax has expanded First Nations' economic authority, this authority is still restricted by the imposing Canadian government's legal and political authority.¹⁹⁸ This refers to the government's control over Indigenous tax policy and governing structure. The Indian Act and FMA outline that granting Indigenous rights to exercise tax is based on whether they conform to the government-set conditions.¹⁹⁹ For example, the Canadian government has reduced the First Nations governance structure to municipal-style bands to suit its current configuration²⁰⁰, conflicting with Indigenous modes of decision-making. The existing system treats First Nations as synonymous, a limitation identified above in New Zealand co-governance arrangements that do not recognise independent iwi-to-iwi and hapū authority. This assumed sovereignty over law-making and the structure of Indigenous exercised tax restricts First Nations' right to

meaningful self-governance. Protecting the Indigenous right to determine their governing structure allows autonomy within and across First Nations.

Furthermore, the First Nations Tax Commission (FNTC), a shared governance institution, must approve the property tax laws set by Indigenous self-governments.²⁰¹ This institution, comprised of majority government-selected members, "regulates, supports and advances First Nation Taxation".²⁰² While it is understandable that this body educates and assists First Nations in instating a tax system, the FNTC also ensures the integrity of the system and the reconciliation of taxpayer interests to the leaders of the Nations.²⁰³ This regulation shows a lack of confidence in the First Nations' ability to administer a fair and equitable tax system. Requiring approval from an external body sustains control over Nations' ability to exercise tax, restricting self-determination. To fully realise the benefits of increased economic authority in expanding Indigenous self-determination, the government must ease its pervasive control over the exercise of First Nation taxing powers.²⁰⁴ So, rather than retaining control over the laws within First Nations reserves, the FNTC could act as a voluntary advisor to First Nations. Constitutionally protecting the Indigenous right to self-govern aligns with articles 3, 4 and 20 of UNDRIP, to which both New Zealand and Canada have agreed.²⁰⁵

Finally, at a deeper level, many have expressed discomfort with the advancement of the Canada-First Nations fiscal relationship as extinguishing Indigenous rights, challenging underlying Indigenous sovereignty, to gain access to particular revenue generating abilities on the Crown's terms.²⁰⁶ Any pursuit of resourcing rangatiratanga in Aotearoa should be cognisant of a range of opportunities, perspectives and critiques from other jurisdictions to understand possibilities and pitfalls. A key possible distinction is that any claims by Māori to rangatiratanga over fiscal authority may be a right under Te Tiriti rather than a concession from the Crown in exchange for extinguishment of inherent rights or service withdrawal.

Overall, while there have been ongoing criticisms regarding the imbalanced authority and restrictive political powers by First Nation governments and academics²⁰⁷, participating First Nations' economic situation has improved. Furthermore, Canada recognises the relationship to be an enduring endeavour towards equality. In particular, the government has acknowledged the need for systemic change in advancing self-government by undoing "federally imposed systems of governance and administration in favour of Indigenous control and delivery".²⁰⁸ As such, while there are still restrictions on Indigenous self-determination, the Canadian government has continued to engage and consult with Indigenous Peoples to reach a just and equal partnership.²⁰⁹

Conclusion

This report has considered potential revenue streams the Crown may use in resourcing rangatiratanga in biodiversity protection. The report first provided an overview of the role of Indigenous Peoples and Māori in protecting biodiversity. It identified why Indigenous decision-making leads to more effective conservation outcomes than non-Indigenous managed lands and the resulting expectation that Indigenous knowledge and practices are the solution to climate change and biodiversity loss despite being

under-resourced. The report then introduced *Matike Mai* and *He Puapua's* Spheres of Influence framework for governance as a means to exercising rangatiratanga in biodiversity protection. The first section establishes *why* resourcing rangatiratanga is crucial for both Māori and biodiversity outcomes. The second section explores possible revenue streams for resourcing rangatiratanga ranging from existing to incremental to progressive.

As these sources are indicative, additional research is required to determine each source's ability to be implemented, the equity implications, and efficacy in achieving Māori aspirations and biodiversity outcomes. A more systematic analysis of where the Crown generates revenue is also required to consider implications for resourcing rangatiratanga. This research was limited by time and resources. There are a multitude of other possible options not explored. For example, employment and capacity building of Māori individuals and collectives by the Crown resources rangatiratanga indirectly. Alternative forms of revenue collection by Māori that resemble 'tax like practices' such as fundraising for Treaty settlement negotiations, collecting koha for marae or poll taxes for access also exist and can be explored and expanded. Direct access by Māori authorities to the sovereign fund, and therefore lower interest rates bypassing commercial lenders, is a future possibility.






In addition, we chose specific examples within each source, and there are a multitude of other examples we could have explored. More systematic exploration of this multitude of examples is required. However, it is clear that Māori and other Indigenous Peoples are increasingly being presented as the solution to climate change and biodiversity loss, despite not being the primary cause, nor having benefited from its cause, with limited resources to save the planet. As such, resourcing rangatiratanga in conservation is crucial not only for the land, Māori and New Zealander's quality of life – but also to fulfil Crown obligations for rangatiratanga under Te Tiriti. All of these possibilities and more require careful research, strategy, negotiation and communications. There is also a careful balancing act between pursuing resourcing under Article 2 and Article 3 of Te Tiriti. For example, moves towards resourcing rangatiratanga under Article 2 could give the Crown grounds, or at least public opinion grounds, for withdrawing the sorts of social spending in line with Article 3. Resourcing rangatiratanga could open up a new can of worms around the withdrawal of Crown funding for essential public services that Māori benefit from.

Several key points and further questions emerge from this study. Firstly, how much can these options provide? How will this be distributed, managed, and accounted for? Which of these are the most *mana enhancing* in the contemporary context? Secondly, how can the Crown hold Māori accountable for this resourcing, but more importantly, how can the Crown hold itself to account for Te Tiriti outcomes as co-governance and constitutional transformation continues to evolve? Thirdly, if we are to continue making an argument for revenue generation under rangatiratanga, better understandings of 'tax-like practices' within rangatiratanga are required, as well as understandings within and around Te Tiriti/The Treaty about whether taxation was exclusively within the realm of kāwanatanga, or existed within rangatiratanga. These are the questions that require solutions as this research continues.

Appendix A

Key Components of New Zealand's Green Bond Framework²¹⁰

This framework has been externally certified by Sustainalytics²¹¹ as being credible and aligned to the ICMA Green Bond Principles.

| | |
|---|--|
|  | <p>Use of Proceeds Eligible green expenditures include a wide range of green categories, reflecting the New Zealand government's broad climate and environmental agenda.</p> |
|  | <p>Project Evaluation and Selection A cross-agency governance group will review and endorse expenditures included in the eligible expenditure pool.</p> |
|  | <p>Management of Proceeds An amount equivalent to unallocated bond proceeds will be deposited as cash in the Crown's Settlement Account with the Reserve Bank of New Zealand.</p> |
|  | <p>Reporting Regular allocation and impact reporting will enable investors to track the progress and positive impacts delivered by the Green Bond Programme.</p> |
|  | <p>External Review A second party opinion (SPO) on the Framework has been provided by Sustainalytics. Allocation reports will be subject to external verification by an independent entity.</p> |

Appendix B

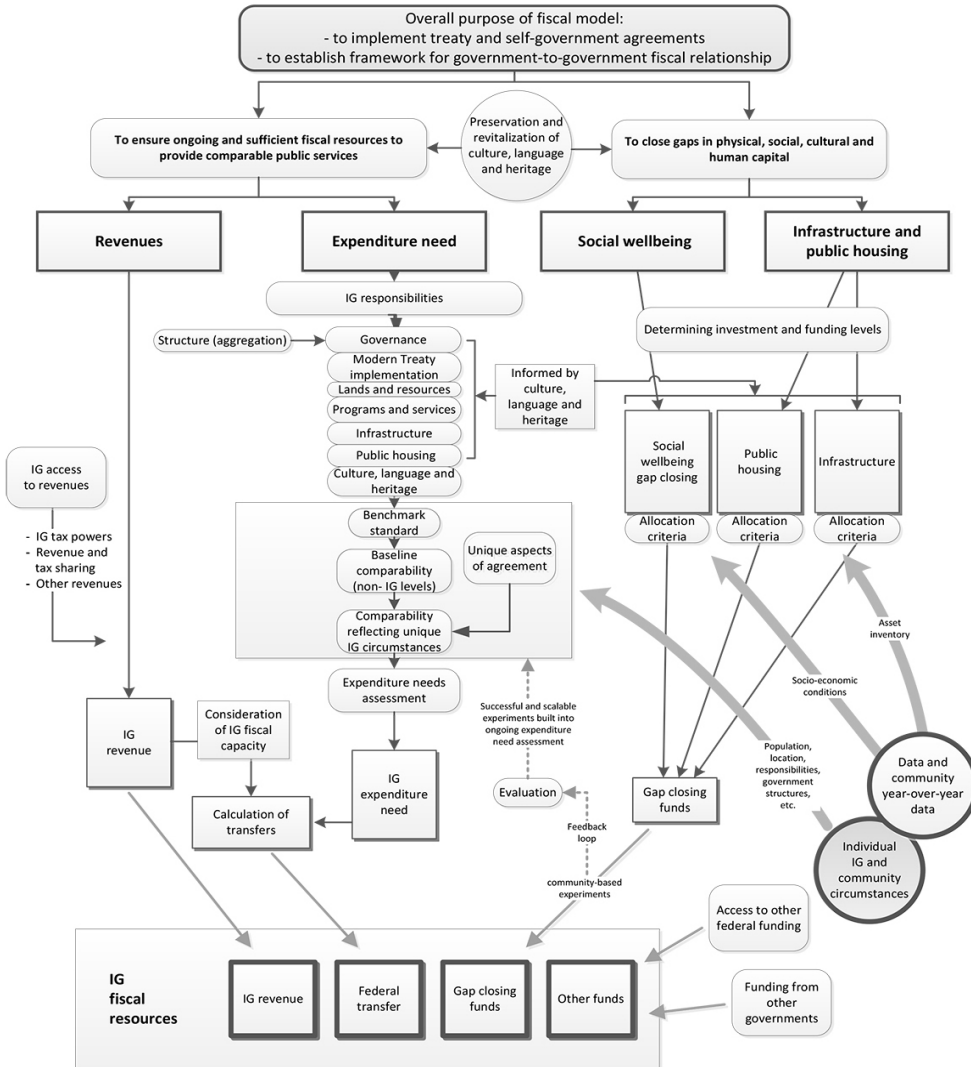
Comparing superannuation recipients and Māori populations (Stats NZ, n.d.a; Stats NZ, n.d.b; The Treasury, n.d.)

| At 30 June | 65+ | Māori population |
|------------|---------|------------------|
| 1991 | 391,300 | 468,400 |
| 1992 | 399,600 | 481,000 |
| 1993 | 407,800 | 493,300 |
| 1994 | 415,900 | 505,100 |
| 1995 | 423,400 | 517,400 |
| 1996 | 430,100 | 528,900 |
| 1997 | 436,300 | 540,600 |
| 1998 | 442,200 | 552,000 |
| 1999 | 447,900 | 562,800 |
| 2000 | 453,500 | 573,800 |
| 2001 | 460,600 | 585,900 |
| 2002 | 467,500 | 594,900 |
| 2003 | 475,700 | 602,900 |
| 2004 | 484,600 | 610,700 |
| 2005 | 496,400 | 617,600 |
| 2006 | 511,600 | 624,300 |
| 2007 | 525,300 | 643,600 |

| | | |
|------|---------|---------|
| 2008 | 535,000 | 662,700 |
| 2009 | 548,300 | 681,000 |
| 2010 | 563,500 | 699,200 |
| 2011 | 580,100 | 713,900 |
| 2012 | 603,000 | 726,400 |
| 2013 | 626,000 | 741,500 |
| 2014 | 648,500 | 753,800 |
| 2015 | 670,200 | 768,700 |
| 2016 | 692,000 | 785,500 |
| 2017 | 713,800 | 801,700 |
| 2018 | 734,900 | 816,500 |
| 2019 | 759,800 | 833,700 |
| 2020 | 791,900 | 854,500 |
| 2021 | 817,400 | 875,200 |
| 2022 | 840,200 | |

Appendix C

Model of Fiscal Arrangements for Indigenous Governments ²¹²



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²¹¹ Sustainalytics. (2022). *Second-party opinion: New Zealand sovereign green bond framework*. https://debtmanagement.treasury.govt.nz/sites/default/files/media/media_attachment/nz-sovereign-green-bond-framework-second-party-opinion.pdf

²¹² Government of Canada. (n 184).