

**IN THE WAITANGI TRIBUNAL****Wai 3325  
Wai 1940****IN THE MATTER OF** the Treaty of Waitangi Act 1975**AND****IN THE MATTER OF** the Climate Change Priority Inquiry**AND****IN THE MATTER OF** Jane Mihingarangi Ruka Te Korako,  
and Te Porohou Ruka Te Karako, on  
behalf the Grandmother Council of the  
Waitaha Nation, including the three  
hapū of Ngāti Kurawaka, Ngāti  
Rakaiwaka and Ngāti Pakauwaka (Wai  
1940)

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**BRIEF OF EVIDENCE OF JANE MIHINGARANGI  
RUKA TE KARAKO****14 May 2025**

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Waitangi Tribunal

**14 May 25**Ministry of Justice  
WELLINGTON

**I, JANE MIHINGARANGI RUKA TE KARAKO**, Kuia, of Te Whanganui-a-Tara, state:

1. I present this Brief of Evidence (“BoE”) on behalf of the Grandmother Council of the Waitaha Nation (“the Council”), to support our claim in the Climate Change Priority Inquiry.
2. The Council is made up of a group of grandmothers who whakapapa back to the waka Uruao, and who have come together under the banner of Waitaha to address the needs of Waitaha, and our wider Māori community needs, which have been created by 176 years of systematic neglect and of te Tiriti o Waitangi breaches by the Crown.
3. Waitaha represents an ancient tribal entity with heritage and connections throughout Aotearoa. I am a descendant of Mahuri, the great ancestress of Mahuri Marae, located in Taheke, Hokianga. Mahuri herself is descendant from a number of renowned Waitaha chiefs, including Rakaihautu, navigator of the South Island.
4. We are a strong group of Kuia who work within our communities to try to bring about change for other Kuia and Kaumātua, both Māori and non-Māori, and for Māori in general, who might need our help, whether this be due to the alienation from their culture that they face, through colonisation, or for other reasons.

**A: Whakapapa of Waitaha**

5. The whakapapa of the Council is stated below:
  - a. the Whakapapa of Te Uruao Waka does not belong to Ngāi Tahu. The origin of that waka comes from the combination of Ruanui, and Nukutawhiti whakapapa;
  - b. Ruanui was the captain of Mamari. Nukutawhiti was the captain of Ngatokimatawhaorua;
  - c. Nukutawhiti had a sister called Niwa, who married Ruanui;
  - d. the marriage of Ruanui and Niwa produced their son, Korako;

- e. Korako then married Nukutawhiti's granddaughter, Moirewa;
- f. Korako and Moirewa had a son, Matati. Waiareiki was the daughter of Matati and was the first matriarch of Waitaha;
- g. Matati, was gifted a waka from a descendent of the islands of Rapanui. That waka was called Te Uruao. Te Uruao became the property of Matati, from the Rangatira of Taitawhenua;
- h. Taitawhenua owned the waka Uruao and gifted it to Matati, the descendent of Mamari and Ngatokimatawhaorua;
- i. Te Uruao waka came from Rapanui. Taitawhenua was of Rapanui;
- j. Te Uruao was not the property of the claimed owner that everybody uses in the whakapapa of Waitaha te Waipounamu;
- k. Rakaihautu was the captain of Te Uruao when it was gifted to Matati. He was the Ariki of that waka;
- l. Rakaihautu became the captain, just as Ruanui was beneath the Ariki Nukutawhiti.

## **B: Impact of Climate Change on Māori**

- 6. “The potential threat of climate change to indigenous peoples' very existence combined with various legal and institutional barriers, which affect their ability to cope with and adapt to climate change, makes climate change an issue of human rights and inequality to indigenous peoples.” – United Nations Effects of Climate Change on Indigenous People.
- 7. During the United Nations COP28 National Statement for New Zealand, Hon Simon Watts made a commitment for the whole of New Zealand:
  - a. *New Zealand has an ambitious NDC to reduce net greenhouse gas emissions by 50 per cent below gross 2005 levels by 2030. We are committed to achieving this, and our 2050 domestic net zero target, by tackling the key drivers of emissions, and working with the private sector so they make transformative investments:*
  - b. *in resilient infrastructure;*
  - c. *in renewable energy and cleaner low-carbon fuels; and*

**d.** *in new technologies to reduce agricultural emissions and capture carbon.*

- 8.** I believe the Crown must include its Te Tiriti partners in the New Zealand commitments it makes to a global audience. The Crown should consider both He Whakaputanga and Te Tiriti when forming its policy responses to address the impacts of Climate Change.
- 9.** This is not the policy the Crown has chosen though. I believe that the Crown's stated commitments to comply with the targets in the Paris Agreement are totally disingenuous.
- 10.** There are no policies being implemented that work towards these targets, and commitments are being pushed far into the future rather than being acted on now. In particular, the Crown knows that agricultural emissions are out of control but refuses to target agricultural emissions at all.

### **C: Cultural Impacts**

- 11.** Climate Change is damaging our Rohe and threatening our cultural sites and way of life. One major impact is on access to our ancestral lands and resources. Our sacred pathways to papawhenua, kāinga, wāhi tapu, māra kai, fishing grounds and food harvesting areas are increasingly cut off due to intense weather events.
- 12.** These environmental changes directly affect our ability to access and gather kai from traditional sources in the forests, rivers and ocean. In short, climate change is restricting our access and availability of food from fishing, gardening and foraging that our people rely upon.
- 13.** Our whānau are increasingly isolated during floods. Whānau are unable to return home or leave home, as roads become rivers, blocked by high water, fallen trees, and severe road damage. Being cut off from each other and from essential services in such times is becoming more common.

14. The Māori lunar calendar and seasonal indicators/maramataka Māori are shifting due to climate change. Knowledge that has been passed down through generations – observations of seasons, tides, plant and animal cycles, shows noticeable changes.
15. What our tūpuna could predict in terms of planting, fishing, and harvesting by the moon and stars is becoming less reliable as the climate behaves unpredictably.
16. Even the internal waters of wāhine are affected; many have observed shifts in menstrual cycles and reproductive patterns, which we attribute to changes in environment and climate.
17. Our culture is based on tikanga Māori. Central to this is Manaakitanga, which is a pillar of our mana. Manaakitanga revolves around providing kai of the best quality and in abundance, not only to feed one's own whānau, hapū and iwi, but also to generously host any manuhiri who visit our homes, our rohe, and our marae.
18. Climate Change threatens these deep tikanga values. It reduces our capacity and capability to uphold the basic building blocks of our cultural principles and practices. The spiritual, physical, mental and whānau strengths – our collective mana – are being undermined by the changing climate. When the environment is out of balance, our cultural duties of care and the well-being of our people become immensely difficult to maintain.
19. Our Marae buildings and infrastructure face various challenges due to climate change. Flooding has impacted infrastructure like water supply systems, sewage systems, and electrical systems, disrupting essential services and creating health hazards. In turn, this has implications for Māori mental health. This loss of cultural sites of significance threatens our identity and way of life.
20. I have provided a map, attached as **Annex A**, which shows the flood susceptible land in our Kaipara Rohe. This map also shows the location of our urupā and marae. As can be seen, many of these are on flood susceptible land, and so are highly vulnerable to sea-level rise as a result of climate change.

**21.** While our Rohe is clearly vulnerable, this is not confined to the Kaipara. We see similar situations across the country, threatening coastal land and as a result costing Māori our livelihoods and our connections with our mana whenua.

#### **D: Lake Omapere**

**22.** Our attitude toward our cultural sites is reflected in our kaitiakitanga of the notable Te Taitokerau landmark- “Lake Omapere”. Located near Kaikohe and adjacent to the Ngawha field, it was known for being the food basket of Ngāpuhi. It holds historical importance and is regarded as a 'taonga' by the Ngāpuhi iwi due to its substantial cultural and environmental value. It is supplied by underground springs and serves as a primary source for the Utakura River, which flows into the Hokianga Harbour.

**23.** Villages were situated near the lake, specifically in the northeastern region. Including Hongi Hika’s Pā, Māwhe, and Te Kahika, being the site of a battle during the Northern Wars. Te Kahika today is known as Okaihau. Other important aspects, bodies of Chiefs were taken out on canoes across the lake to certain areas to decompose, and their bones taken to Putahi maunga.

**24.** Since 1921, human interference had severely diminished the mauri of the lake, the land and the people. The lake's water level was lowered for farming and for the Kaikohe District water supply. Locals stripped the riparian bush and vegetation for the gum trade. As a result, the lake water quality and supply deteriorated, poisoning the lake and fauna.

**25.** Whānau, hāpu, and iwi aspire to restore the ‘mauri’ of the wai, to heal and restore it to its former healthy condition. Local iwi exercise Kaitiakitanga over the land and lake. They work with local authorities to manage the restoration of water for washing and recreation (swimming, gardening etc), promoting the breeding of whitebait, tuna (eel), kanae (mullet fish), and Kākai (freshwater mussels) or torewai (freshwater pipi). They also regrow harakeke and replant kauri.

26. Furthermore, the documentary, “Restoring the Mauri of Lake Omapere”, directed by Mairi Gunn, is an important piece of work to really understand the story of Lake Omapere.<sup>1</sup>
27. This kaitiakitanga approach toward the restoration of Lake Omapere is one which should be adopted for all Ngāpuhi cultural sites and taonga. The Crown and local authorities should observe cultural practices and sustainable measures, ensuring whānau, hapu and iwi perspectives are considered and included in decision-making processes.

### **E: Economic Impacts**

28. Climate change has had significant economic consequences of our people, compounded by a government policy response that is insufficient, inadequate and inappropriate. The Crown’s policies are fundamentally racist and prejudicial against Māori, imposing restrictions on funding, limiting access to expertise, resources, and legal pathways that support culturally appropriate knowledge, development, and tribal relationships. These constraints prevent Māori from exercising tikanga and investing in climate resilience.
29. Additionally, climate change policy is structured to benefit financial interests, prioritising iwi corporates, government organisations, businesses, and tax-related incentives for industry, while hapu and whānau at the grassroots level receive little to no direct support. Our whānau, especially those in more isolated rural areas, experience significant poverty deprivation. Their limited household income levels reduce their capacity to afford the costs of protecting against, avoiding, and recovering from natural hazards and extreme weather events. Many are employed in primary industries, which are vulnerable to likely weather extremes such as extended droughts, flooding, salt water in water tables, and tidal inundation. This directly impacts whānau incomes.

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1. <sup>1</sup> See [Restoring the Mauri of Lake Omapere](#)

## **F: Health Impacts**

**30.** Climate change has detrimental effects on the already compromised and inequitable area of Māori healthcare. Our whānau suffer from disproportionate rates of respiratory diseases and diabetes, which are likely to be exacerbated by extreme weather conditions and increasing food insecurity. Climate change will exacerbate health inequities that are already there and combined with poverty deprivation do not bode well for whānau, particularly in rural regions.

## **G: Consultation and Engagement by the Crown**

**31.** The Crown has provided limited opportunities for consultation and engagement in the development of its climate response policies. This inquiry offers a platform for discussing and presenting historic and current narratives regarding Te Tiriti o Waitangi and He Whakaputanga, ensuring that Māori perspectives are heard.

**32.** Proper and equitable engagement from the Crown on future climate change policies must occur at multiple levels to ensure Māori voices are heard and incorporated. Engagement must take place directly with hapū, whānau, marae, and community groups to capture localised knowledge and lived experiences.

**33.** Collaboration with educational institutions is necessary to support commissioned research programmes that integrate mātauranga Māori and scientific expertise. Additionally, engagement at the global community level would allow Māori perspectives and indigenous climate solutions to be recognised and aligned with international best practices.

**34.** Without direct and meaningful involvement at these levels, Crown policies will continue to fail Māori, perpetuating systemic exclusion and environmental harm.

## **H: Remedies**

**35.** The Crown's policy response, legislation, actions and omissions have not been consistent with the principles of te Tiriti. We propose the following to empower our people:

- a.** engagement with Māori on all Climate Change matters;
- b.** refer to He Whakaputanga & Te Tiriti principles when making decisions on climate change;
- c.** environmental matters should be viewed through a Mātauranga Māori lens, with Māori values at the fore;
- d.** Māori Climate Change commission that is in partnership with the Crown;
- e.** to uphold the 3 Pou of the Māori Commissioner for Climate Change:
  - i.** to represent the interests of Māori Landowners and advocate on their behalf;
  - ii.** to support the establishment of the World Indigenous Carbon Foundation - to support indigenous peoples promoting the value of their world views in helping their governments meet their climate change targets;
  - iii.** advocating for the value of the Māori World view in meeting Aotearoa climate change targets in particular the concepts of whakapapa, mauri and utu that underpin whānau hapu responsibilities to the natural world; and
- f.** recognition, acknowledgement and financially supporting Māori environmental solutions and climate change research.

## **I: Conclusion**

**36.** The Crown's current climate change policies violate the principles of partnership and active protection embodied in Te Tiriti o Waitangi. By excluding Māori from full participation in the solutions, the Crown puts at risk not only our environment and economy, but also our te Tiriti rights and the legacy we must pass on to future generations. This is a denial of our rangatiratanga and a threat to the well-being of Aotearoa as a whole.

**Dated: 14 May 2025**



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**Jane Ruka**