OFFICIAL

IN THE WAITANGI TRIBUNAL

Wai 3325
Wai 3277

IN THE MATTER OF	**the Treaty of Waitangi Act 1975**
AND	
IN THE MATTER OF	**the Climate Change Priority Inquiry (Wai 3325)**
AND	
IN THE MATTER OF	**a claim by Rāhui Kātene on behalf of Ngāti Koata (Wai 3277)**

Opening submissions for Ngāti Koata

Dated this 6th day of October 2025

Oranganui Legal

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Waitangi Tribunal
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Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL:

Introduction

1. These Opening submissions are filed on behalf of Ngāti Koata (Wai 3277).

2. Ngāti Koata originates from the Tainui waka, captained by Hoturoa, which was finally hauled ashore to rest between the two pillar stones of Puna and Hani in Kāwhia. Ngāti Koata takes its name from the ancestress Koata, who lived in the early 17th century in the Kāwhia area, where she had two sons, Kāwharu and Te Wehi. [1]

3. Inter-iwi conflict arose due to population growth and land boundaries, leading to Ngāti Koata leaving the Kawhia area in the early 19th century. [2]

4. The main heke for Ngāti Koata was called *Te heke Whirinui*, led by our tūpuna known for their military strength. They travelled down the western side of the North Island, and with the support of the Taranaki whanau, continued through Taranaki to Kāpiti Island, where they settled at Waiorua. Soon after, Kurahaupō tribes led an assault on the Tainui tribes on Kāpiti.[3]

5. Tūtepourangi was captured by Ngāti Koata and exchanged for the Ngāti Koata child, Tawhi, who had been captured by Kurahaupō and taken south. Tūtepourangi ensured the safe return of Tawhi and tuku

[1] Brief of Evidence of William Thomas Webber and Ngawaiehu Webber, dated 9 May 2025 (Wai 3325, #A90), at [21]-[22].
[2] Brief of Evidence of William Thomas Webber and Ngawaiehu Webber, dated 9 May 2025 (Wai 3325, #A90), at [25].
[3] Brief of Evidence of William Thomas Webber and Ngawaiehu Webber, dated 9 May 2025 (Wai 3325, #A90), at [26].

the whenua to Ngāti Koata in exchange for the safety of his people. This tuku was accepted by the Ngāti Koata chief Te Putu.[4]

6. The rohe of Ngāti Koata includes the whenua and moana contained within the tuku of Tūtepourangi. From Anatoto near the mouth of the Pelorus Estuary and including the Sounds and around the coast from Kaiaua (Croisilles Harbour) to Raetihi (Cape Soucis), Whangamoa, Whakapuaka, Whakatū, Waimea, Motueka, and on to Te Matau (Separation Point). Ngāti Kōata oral tradition says that the tuku started at Anatoto at the mouth of the Pelorus Sound and included Kurupongi, Nga Kiore, Takapourewa and extended to Onetahua (Farewell Spit). Subsequent occupations also included the Pelorus Sounds.[5]

7. Ngāti Koata argue that the Crown has breached its Tiriti o Waitangi obligations by failing to take urgent and adequate action on climate change, leaving Ngāti Koata exposed to disproportionate and inequitable levels of harm.

8. In particular, the claim identifies breaches of Te Tiriti principles of Partnership, Tino Rangatiratanga, Active Protection, and Equity. It highlights the Crown's failure to adequately enable Māori-led climate responses, its reliance on ineffective mechanisms, and its lack of authentic partnership and consultation.

9. The Statement of Claim sets out how a failure on the part of the Crown to take adequate steps to protect the Claimants has intensified climate impacts on their communities. These impacts include erosion, flooding, sea level rise, biodiversity loss, infrastructural loss, land loss, impacts to waterways and cultural sites, and harm to whānau livelihoods, taonga ecosystems, economies and wellbeing.

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[4] Brief of Evidence of William Thomas Webber and Ngawaiehu Webber, dated 9 May 2025 (Wai 3325, #A90), at [27].

[5] Brief of Evidence of William Thomas Webber and Ngawaiehu Webber, dated 9 May 2025 (Wai 3325, #A90), at [28].

10. Ngāti Koata's rohe, encompassing the intricate coastline, islands, and marine environments of Te Tauihu, is acutely exposed to climate impacts. These include intensifying coastal erosion, rising seas threatening wāhi tapu and kāinga, biodiversity loss, and damage to marine ecosystems that sustain Ngāti Koata's identity and economy. The Crown's failure to actively protect these taonga represents a continuation of its longstanding neglect of Te Tiriti partnership obligations.

Breaches of Te Tiriti o Waitangi Principles

11. The Crown's actions and inactions breach the principles of:

    (a) Partnership, by failing to engage Ngāti Koata in genuine co-design of climate adaptation and mitigation policies affecting their rohe;

    (b) Tino Rangatiratanga, by undermining Ngāti Koata's authority to determine and implement their own environmental management systems;

    (c) Active Protection, by neglecting to protect Ngāti Koata's lands, waters, and taonga species from foreseeable and preventable climate harm; and

    (d) Equity, by imposing disproportionate burdens on Māori communities while benefiting from extractive economic policies driving emissions.

12. These failures also contravene the Crown's international obligations under the Paris Agreement and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which affirm Indigenous peoples' rights to self-determination, environmental protection, and participation in decision-making affecting their lands and resources.

13. Ngāti Koata support and adopt the following generic opening submissions in their entirety:

    (a) Opening submissions on international Jurisprudence filed 18 November 2024 by Loader Legal;[6]

    (b) Generic opening submissions on climate change impacts on Māori and the principles of Te Tiriti o Waitangi filed 19 November 2024 by Te Whenua Law;[7]

    (c) Opening submissions climate change inquiry filed on 19 November 2024 by Bennion Law;[8]

    (d) Generic submissions on government climate change policies filed on 20 November 2024 by Michael Sharp;[9] and

    (e) Generic opening submissions relating to climate change policy and forestry filed 20 November 2024 by Kahui Legal.[10]

Witnesses for Ngāti Koata

14. Ngāti Koata will call seven witnesses in support of the Wai 3277 claim, being:

    (a) Ngawaiehu Webber and William Thomas Webber with their joint Brief of Evidence, dated 9 May 2025;[11]

[6] Wai 3325, #3.3.4.
[7] Wai 3325, #3.3.5.
[8] Wai 3325, #3.3.7.
[9] Wai 3325, #3.3.8.
[10] Wai 3325, #3.3.11.
[11] Wai 3325, #A90.

(b) Pene Gieger and Laken Gieger with their joint Brief of Evidence, dated 9 May 2025 and attached cultural impact assessment on the Takapourewa frogs;[12]

(c) Hemi Toia with his Brief of Evidence, dated 9 May 2025;[13]

(d) Dr Oliver Sutherland with his Brief of Evidence, dated 9 May 2025 and attached compilation of significant taonga species from Takapourewa;[14] and

(e) Rāhui Kātene with her Brief of Evidence, dated 9 May 2025 and attached exhibits;[15]

Evidence of Ngawaiehu Webber and William Thomas Webber

15. Ngawai and Bill give evidence on the history of Ngāti Koata in this rohe, the importance of this rohe to Ngāti Koata and the impact of climate change on the rohe and Ngāti Koata people. Their evidence demonstrates the lived experience of Crown environmental mismanagement and illustrates the link between local degradation and systemic failure.

16. With a long history of whanau occupation of Rangitoto (D'Urville Island) and Te Aumiti, Ngawai and Bill describe the severe erosion, sedimentation, biodiversity loss and in and increasing vulnerability to extreme weather caused by colonisation and poor Crown management.

17. They recount extreme weather events that have torn the whenua apart, leaving massive slips, compromised septic systems, polluted waterways and access issues. Their testimony underscores the isolation and mental health challenges faced by kaumatua and kuia.

[12] Wai 3325, #A91 and (a).
[13] Wai 3325, #A92.
[14] Wai 3325, #A93 and (a).
[15] Wai 3325, #A94 and (a).

They show it has become increasingly more difficult for our people to remain on the whenua that our tupuna left us. Despite the resilience of Ngāti Koata people, they should not need to bear the burden of preventable harm caused by Crown inaction.

Evidence of Pene Gieger and Laken Gieger

18. Pene, the Ngāti Koata Tauawhi Taiao (Environmental Manager) and Laken, the Ngāti Koata Kaimahi Ranger, completed the *Cultural Impact Assessment on the Department of Conservations Dynamic Adaptive Pathway Plans for Takapourewa Frogs in Response to Climate Change*.

19. Their evidence shows that the Department of Conservation approached Ngāti Koata for a cultural impact assessment *after* its plan was made. As manawhenua and co-management partners, Ngāti Koata should have been involved from the outset. This exemplifies the Crown's reactive, rather than proactive, approach to partnership.

20. Pene and Laken explain the physical, cultural, spiritual, social and economic effects of climate change on Ngāti Koata. They highlight the interconnectedness of Ngāti Koata identity with the taiao and taonga species, and the barriers created by Crown inaction and infrastructure neglect.

21. Their evidence identifies systemic issues including the Crown's failure to enforce biosecurity measures, inadequate resourcing, and the over-reliance on iwi capacity.

22. They urge the Tribunal to make findings and recommendations that ensure meaningful partnership and effective resourcing for Ngāti Koata.

Evidence of Hemi Toia

23. Hemi Toia, Chief Executive of Koata Limited, describes economic and environmental impacts of climate change on Ngāti Koata's forestry and fisheries. He outlines opportunities for nature-based solutions and sustainable economic models grounded in tikanga.

24. Hemi critiques the Crown's devolution of climate responsibilities without proper resourcing or partnership. His evidence demonstrates how Ngāti Koata uphold their Tiriti partnership obligations while facing economic inequities and barriers to implementing Māori-led climate responses.

Evidence of Dr Oliver Sutherland

25. Oliver is a member of the Ngāti Koata Kaumatua Kaunihera Komiti. He brings with him a proven track record of fighting for Ngāti Koata rights both in the Waitangi Tribunal in the Wai 262 claim where Ngāti Koata were claimants as well as on many campaigns whether regarding environmental justice or in pursuit of the recognition of Māori rights. He has stood with Ngāti Koata for over five decades.

26. Oliver concentrates his evidence on the degradation of culturally significant sites and the resulting impact on taonga species.

27. Of significance to Oliver is his work with Wai 262 and the protection of Tuatara of Takapourewa. He plans to elaborate on the effects of climate change on Tuatara and describe in detail how the increase in soil temperatures skew sex ratios as sex determination in Tuatara is based on soil temperature.

Evidence of Rahui Kātene

28. Rāhui Kātene, the named claimant for Wai 3277, provides supporting articles situating the Ngāti Koata claim within broader movements for Indigenous climate justice and intergenerational equity.

Relief Sought

29. Ngāti Koata respectfully seek findings and recommendations that:

(a) Recognise the Crown's breach of Te Tiriti o Waitangi obligations through inadequate climate action and policy design;

(b) Require the Crown to co-develop climate adaptation and mitigation strategies with Ngāti Koata, grounded in tikanga and mātauranga;

(c) Direct the Crown to resource iwi-led environmental restoration and resilience initiatives within the Ngāti Koata rohe;

(d) Recommend reform of DOC and local authority processes to ensure early, genuine, and ongoing partnership with Ngāti Koata in climate decision-making; and

(e) Acknowledge Ngāti Koata's right to exercise tino rangatiratanga over their taonga and the management of their natural resources;

(f) Recommend the establishment of a co-governance climate body in Te Tauihu to implement regional climate adaptation strategies with iwi leadership;

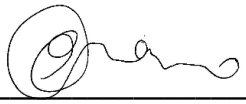
(g) Direct the Crown to prioritise funding for infrastructure resilience and emergency response capacity in isolated Ngāti Koata communities, including Rangitoto;

(h) Encourage legislative and policy changes to embed mātauranga Māori and tikanga-based environmental governance in climate law and planning frameworks;

(i) Require the Crown to undertake a full audit of its climate-related expenditure to ensure equitable allocation to Māori and iwi-led climate initiatives; and

(j) Urge the Crown to recognise climate change as a Treaty breach issue requiring systemic redress, including reparations for loss of land, biodiversity, and cultural heritage attributable to Crown inaction.

Dated this 6th day of October 2025



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