

IN THE WAITANGI TRIBUNAL

**WAI 3325
WAI 3286**

CONCERNING

the Treaty of Waitangi Act 1975

**AND
IN THE MATTER OF**

The Climate Change Priority
Inquiry

**AND
IN THE MATTER OF**

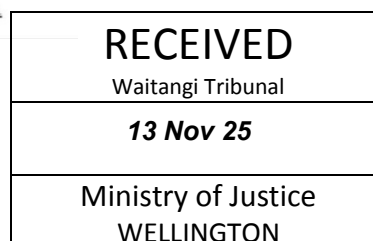
A claim by Tui Aroha
Warmenhoven on behalf of
herself as Trustee and Chair of
Umuariki Marae and members
of Ngāti Rangī Hapū and Te
Whānau a Umuariki Hapū of
Ngāti Uepōhatu Iwi of Ruatoria

ANSWERS TO QUESTIONS OF TUI WARMENHOVEN

Dated this 13th day of November 2025



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Introduction

1. The following provides answers to questions that were asked of me by members of the Waitangi Tribunal Panel, following the presentation of my Brief of Evidence dated 16 May 2025¹ during Hearing Week Four.
2. I note that Dr Shaun Awatere has provided answers to questions regarding Raukūmara Pae Maunga. What remains is for information to be provided to the Tribunal regarding adaptive governance.
3. In describing adaptive governance, and the application of adaptive governance principles within the Waiapu catchment I refer to two relevant articles that I have co-authored, which are appended to my answers:
 - a. Lisa Sharma-Wallace, Sandra J. Velarde, Peter Edwards, Tui Warmenhoven & Pia Pohatu (2019): *Exploring Adaptive Governance for Indigenous Peoples: Lessons from Aotearoa New Zealand's Erosion Control Funding Programme, Society & Natural Resources*, DOI: 10.1080/08941920.2018.1557308.
 - b. Sandra J. Velarde, Lisa Sharma-Wallace, Tui Warmenhoven, Pia Pohatu, Peter Edwards and Tim Barnard *Policy design lessons from the Erosion Control Funding Programme – afforestation through an adaptive governance lens* in “NZ Journal of Forestry” May 2019 Vol. 64 No. 1, pp 11 – 16.
4. The articles:
 - a. trace the evolution of the Erosion Control Funding Programme (ECFP) on the East Coast to illustrate the importance of indigenous co-development of forest systems for more adaptive governance.²

¹ Brief of Evidence of Tui Warmenhoven dated 16 May 2025, Wai 3325, #A98.

² Lisa Sharma-Wallace, Sandra J. Velarde, Peter Edwards, Tui Warmenhoven & Pia Pohatu (2019): *Exploring Adaptive Governance for Indigenous Peoples: Lessons from Aotearoa New Zealand's Erosion Control Funding Programme, Society & Natural Resources*, DOI: 10.1080/08941920.2018.1557308, p 1.

- b. employ an adaptive governance lens to track the progress of the ECFP over time, paying particular attention to its implications for Māori.³
5. Through the application of an adaptive governance lens we argue that a key aspect of the ECFP programme's underperformance relates to the local and indigenous context remaining largely unaccounted for in the ECFP's design and implementation.⁴
6. Adaptive governance allows us to explore and reflect on some of the ECFP's underlying gaps. We conclude that the ECFP programme and others like it which work in indigenous contexts worldwide must engage with that local Indigenous context as a primary factor affecting successful adaptive governance.⁵

What is adaptive governance?

7. Adaptive governance is a series of methods for decision-making that recognise the complexity of people-nature problems and advocate for a flexible and collaborative approach to help solve them. Adaptive governance responds to the local context through dialogue and sharing power, people and resources.⁶
8. The 'adaptive' component of adaptive governance refers to the ability to change course based on the early results of implemented actions. 'Governance' refers to the decision-making process, including the people, power and resources involved at different levels, from local to regional to national.⁷
9. Practicing adaptive governance requires dialogue and collective learning from all the relevant parties. The principles of adaptive governance can be summarised as follows:⁸

³ Ibid.

⁴ Ibid, p 2.

⁵ Ibid.

⁶ Sandra J. Velarde, Lisa Sharma-Wallace, Tui Warmenhoven, Pia Pohatu, Peter Edwards and Tim Barnard *Policy design lessons from the Erosion Control Funding Programme – afforestation through an adaptive governance lens* in "NZ Journal of Forestry" May 2019 Vol. 64 No. 1, pp 11 – 16, p 12.

⁷ Ibid,p 13.

⁸ Ibid.

- a. Facilitating community empowerment and building capabilities: Facilitating community-scale empowerment and engagement and brokering collaboration and connections across a wide range of actors, scales and capabilities, by building trust and nurturing human relationships.
- b. Attention to the socio-ecological and governance context: Paying attention to the context in which decisions are made, and the development of social and physical capabilities, knowledge, resources, networks and partnerships to address this context.
- c. Effective leadership and monitoring: Supporting and institutionalising effective leadership to bring stakeholders together, coordinate governance. Support, design and implement innovative management ideas and mobilise communities to act, and integrating knowledge and decision-making through experiential learning and monitoring progress over time.

How can adaptive governance be applied in the context of the East Coast and the Erosion Control Funding Programme?

10. The East Coast is the most erosion-prone area of the country and one of the most erosion prone-areas of the world. As part of the Treaty of Waitangi settlement process, the Crown and Ngāti Porou signed a historic 100-year Memorandum of Understanding in 2014, with the Erosion Control Funding Programme (ECFP) (formerly the East Coast Forestry Programme) as its main implementation tool to deal with erosion.⁹
11. The erosion problem on the East Coast is an apt example of both the need for adaptive governance approaches to address complex environmental issues and the current gaps in adaptive governance theory and practice.¹⁰
12. Adaptive governance recognises that erosion in the region is a long-standing, large-scale, and increasingly urgent environmental

⁹ Ibid at p 11.

¹⁰ Lisa Sharma-Wallace “Exploring Adaptive Governance for Indigenous Peoples: Lessons from Aotearoa New Zealand’s Erosion Control Funding Programme”, above n 2, at p 3.

phenomenon, which involves dual social and ecological causes and impacts.

13. Any effective solution will likewise demand adaptive governance type holistic and flexible tools across a range of partners and stakeholders, including indigenous and non-indigenous land-owners, resource users, community and industry groups, and local and central government agencies.¹¹
14. The erosion brings to light fundamental factors affecting adaptive governance outcomes relating to power, autonomy and Aotearoa New Zealand's particular colonial history.¹²
15. The legacy of European colonisation in Aotearoa New Zealand continues to affect Māori relationships with our traditional land and resource base as well as our ability and scope for environmental decision-making and governance. Adaptive governance recognises that, when placed within the country's wider colonial context, any effort to address erosion must similarly account for the desire, drive, and right of Māori for tino rangatiratanga or self-determination in relation to land and other governance matters.¹³
16. Māori self-determination and relationships with land are key components of adaptive governance in the case of the Waiapu Catchment, whilst also representing exemplars of the need to account for power, history and preexisting inequalities.¹⁴
17. Through our analysis, we concluded that the ECFP *is not and should not be*, the only available support for erosion control in the Waiapu catchment or in the East Coast region more broadly.¹⁵
18. The Waiapu catchment restoration programme, formalised in a working partnership between the Ministry for Primary Industries, Gisborne District Council and Te Runanganui o Ngāti Porou explicitly recognises the interconnection of land and people in its 100-year goal of "healthy land,

¹¹ Ibid at p 4.

¹² Ibid.

¹³ Ibid.


¹⁴ Ibid.

¹⁵ Ibid at p 17.

healthy rivers, healthy people” while noting the need for holistic solutions to a multi-faceted problem.¹⁶

19. Nevertheless, given that the Waiapu restoration program relies on the ECFP as a key funding and implementation tool, it is essential that the ECFP promotes an adaptive governance style integrated approach to erosion control, which moreover accounts for the social, ecological, cultural and political context of the East Coast region.¹⁷
20. To the best of my knowledge, the final ECFP funding round was in 2018 and the funding was fully disestablished in 2023.

DATED this 13th day of November 2025



.....
Tui Warmenhoven

¹⁶ Ibid at p 18.

¹⁷ Ibid.