OFFICIAL

IN THE WAITANGI TRIBUNAL
KEI MUA I TE TARAIPIUNARA

WAI 3325

UNDER **The Treaty of Waitangi Act 1975**

CONCERNING **The Climate Change Priority Inquiry**

SYNOPSIS FOR GENERIC CLOSING SUBMISSIONS FOR ADAPTATION

Dated: 25 September 2026

Counsel:
Bryce Lyall
Kōkiri Chambers
PO Box 60649
Titirangi
Auckland 0642
022 658 1895
Bryce@kokirichambers.nz

Hannah Swedlund
Employed Barrister
Hannah@brycelyall.com

KŌKIRI CHAMBERS

RECEIVED
Waitangi Tribunal
25 Sep 26
Ministry of Justice
WELLINGTON

TĒNĀ, E TE TARAIPIUNARA

1. This synopsis accompanies the generic closing submissions on adaptation filed by the applicants. It contains the crux of the arguments made in the full submissions. The full submissions set out the supporting evidence in detail.

National Level Crown Adaptation Framework

2. The Climate Change Response Act 2002 (**CCRA**) establishes the Crown's framework for adaptation through an ongoing 'policy cycle'. This policy cycle begins with the development of a National Climate Change Risk Assessment (**NCCRA**), prepared every six years.[1] In response to each NCCRA, the CCRA requires the Minister of Climate Change to prepare a National Adaptation Plan (**NAP**).[2] A NAP sets how the identified risks will be addressed through actions by relevant government agencies.[3]

NCCRA

3. The 2026 NCCRA was released on 7 May 2026. The assessment included a stand-alone Māori risk assessment produced by Manaaki Whenua Landcare Research Group.[4]

4. Although this marks an improvement from the 2020 NCCRA, it was still developed without partnership with Māori at place and therefore lacks an understanding of

[1] Climate Change Response Act 2002 s 5ZR.
[2] Section 5ZS(1).
[3] Wai 3325, A141 at [37].
[4] He Pou a Rangi Climate Change Commission *2026 National Climate Change Risk Assessment for Aotearoa New Zealand* (April 2026) at 220.

regional risk and the inclusion of locally held mātauranga. This is a failure of partnership.

National Adaptation Plan

5. The extent of the Crown's direct engagement with hapū and iwi Māori on the NAP was only five rounds of targeted consultation.[5] Although Ihirangi, the operational arm of Te Pou Take Āhuarangi, pushed for the development of an indigenous worldview of adaptation,[6] national Māori bodies are not representative of all Māori; nor are they able to give an informed place-by-place response. The lack of partnership is a breach of te Tiriti.

National Adaptation Framework

6. The National Adaptation Framework (**NAF**) is the Government's long-term, strategic approach to help New Zealand prepare for, and respond to, the impacts of climate change.

7. The NAF makes no mention of te Tiriti or Māori nor mātauranga Māori. This lack of recognition reflects both a lack of partnership and gaps in how local knowledge is being incorporated into adaptation planning.[7]

Adequacy of adaptation planning

8. Both the 2024 and 2026 Climate Change Progress reports on the NAP identified that the Crown is failing Māori in its adaptation response.[8] The Crown is constraining the Māori role in adaptation to consultative measures without

[5] Wai 3325, A141 at [58].
[6] Wai 3325, A101 at [68].
[7] Climate Change Commission *2026 Progress report: National adaptation plan* (2026), Wai 3325 #3.2.383(a) at 91.
[8] Wai 3325, A141 at [94]; Climate Change Commission *2026 Progress report: National adaptation plan*, above n 7, at 59 – 60.

adequate resourcing.[9] This reduces the ability of Māori to exercise rangatiratanga or integrate mātauranga Māori into adaptation responses.[10] This is a failure of active protection and partnership.

Specific adaptation issues

Ministry for the Environment

9. The Ministry for the Environment (**MfE**) leads the development, coordination and implementation of the whole-of-government climate change policy.[11]

General NAP actions

10. The NAP identified that the development of mātauranga indicators of climate impacts on te taiao, and the production of new tools and guidance specific to mātauranga Māori were crucial adaptive responses to climate risks for Māori.[12] These are being progressed through MFE work to develop the technical foundations for setting environmental limits under the proposed Natural Environment Act.[13] Setting environmental limits nationally is different from establishing tools which are applicable on a local level. This does not reflect the principle of partnership.

Māori Climate Platform

11. The NAP identified the platform for Māori climate action (**Platform**) as key to empowering Māori in adaptation

[9] Climate Change Commission *2026 Progress report: National adaptation plan*, above n 7, at 321.
[10] At 322.
[11] Wai 3325, A141 at [4].
[12] At [86].
[13] Wai 3325, 3.2.305(a) at [1].

planning.[14] However, the delivery of the Platform is now carried out by MfE.[15] The Platform has become a targeted, contestable fund with applications sought through invitation to specific groups.[16] There was only $9 million in funding for the project; which "does not go far".[17]

12. All funds available through the Māori Climate Platform have been allocated, and no alternative arrangements or future funding options have been outlined.[18]

13. Without a fully funded by-Māori for-Māori approach, the Platform breaches the principles of partnership, active protection and tino rangatiratanga.

Other adaptation work

14. Other adaptation work through MFE has been developed with Pou Take Āhuarangi and Te Tai Kaha. Partnership with national level roopu is not partnership with local communities.

15. These roopu undertook a joint work programme, which undertook 145 marae climate risk assessments. [19] Funding was increased to $1 million during 2025/26.[20]

16. This funding is simply not enough for the scale of need, with over 1000 marae across the motu.[21] Given that the NCCRA does not address place-based risk assessment, underfunding this programme cuts across climate

[14] Ministry for the Environment *Adapt and thrive: Building a climate-resilient New Zealand* (2022) at 26.
[15] Wai 3325, A118 at [170].
[16] At [189.3].
[17] Wai 3325, 4.1.10 at 199.
[18] Climate Change Commission *2026 Progress report: National adaptation plan*, above n 8, at 61.
[19] Wai 3325, A118 at [194].
[20] Wai 3325, A118(e) at 4.
[21] Wai 3325, A118 at [194].

resilience for marae, iwi and hapū that were not included. This is not partnership or active protection.

Managed retreat and protection of cultural heritage

17. Māori land is disproportionately exposed to climate change impacts.[22] Māori also disproportionately live in poverty, making it harder to cope with stressors caused by climate change.[23] This means adaptation planning for taonga, marae and homes on whenua Māori is critical.

18. The Crown has failed to meaningfully progress the NAP action directing the Ministry of Culture and Heritage to develop a framework for assessing the exposure and vulnerability of taonga to climate change.[24]

19. At the extreme end of adaptation is managed retreat. An example of pathways developed for Māori is the Whenua Māori and Marae Pathway. This pathway demonstrates that Treaty-compliance is possible and that mainstream approaches are inadequate. However, in the future it won't be affordable to conduct this kind of process.[25] The development of a resourced managed retreat pathway in partnership with Māori is therefore critical. However, policy work on managed retreat has been deprioritised.[26] This is a breach of active protection, rangatiratanga and partnership.

[22] Wai 3325, A61 at [14].
[23] Wai 3325, A149 at [43].
[24] Ministry for Culture and Heritage "Our climate-related work**"** (2023) <www.mch.govt.nz>.
[25] Wai 3325, 4.1.11 at 317.
[26] Wai 3325, A136 at [84].

Risk information accessibility

20. There is a lack of available data on the likely impact of climate hazards on whenua Māori.[27] There is no specific work to follow up on this aspect of missing data.[28] Without accurate and disaggregated data, it is difficult to develop climate adaptation strategies that are relevant and effective for hapori Māori.[29]

21. The Crown must prioritise research into adaptation on a national level at a local scale. It must include dedicated funding streams for by-Māori for-Māori research that is assessed in accordance with the priorities of Māori communities. Failure to do so is a breach of the principles of partnership and active protection.

Infrastructure resilience for whenua Māori and marae

22. Investment priorities for whenua Māori funds center on improving the productivity of Iwi or Māori assets.[30] For Māori, climate change engages identity, language, knowledge, governance and intergenerational wellbeing. Funding focused on economic development may not align with a holistic approach to adaptation, particularly where proposed projects are competing with other projects that more clearly reflect government priorities.

23. The funding is also insufficient to support adaptation on the national scale, given that this pūtea supports a variety of investments. This is a failure of active protection.

[27] Wai 3325, A149, at [47].
[28] Wai 3325, A149(c) at [14] – [15].
[29] Wai 3325, A149 at [81.5].
[30] Wai 3325, A141, at [93].

Drinking water

24. Climate change threatens drinking and wastewater system for rural Māori communities.[31] The Crown has established two funding initiatives to improve rural drinking water infrastructure. However, these funds did not reflect the scale or allow for the pace required to address potential water infrastructure deficits. The number of marae, kohanga reo and kāinga that require assistance outstripped the amount available.[32] There does not appear to be more funding. This is a breach of active protection.

Health

25. Climate change poses a variety of human health risks in Aotearoa.[33] Māori are at significantly increased risk.[34] Action is needed to protect hauora Māori and avoid further exacerbating health inequities.[35]

26. The Health National Adaptation Plan (**HNAP**) was jointly developed by the Ministry of Health and Health NZ. Only one workshop held in its development engaged with Māori.[36] This is not Treaty compliant partnership.

27. Many of the actions in the HNAP would be carried out by staff in the National Public Health Service. However, funding to public health has been cut.[37]

28. So far only two of the 26 actions have been carried out. There is no evidence of further resourcing for HNAP, nor

[31] Wai 3325, A119 at [16].
[32] At [67] – [68].
[33] Wai 3325, A76 at [18]; A79 at [18]; A67 at [16].
[34] Wai 3325, A76 at [19]; A79 at [21].
[35] Wai 3325, A76 at [50].
[36] Wai 3325, A134 at [43].
[37] Wai 3325, A76 at [57].

any specific climate change role within the Ministry of Health.[38]

29. The Crown is not moving at the scale or pace required to respond to health risks. This is a failure of active protection.

Environment

30. Wildlife in New Zealand are impacted by climate change. [39] For Māori, environmental adaptation is inseparable from relationships with te taiao. Environmental adaptation must protect the ability of Māori to exercise rangatiratanga and kaitiakitanga.

31. The Department of Conservation's Climate Change Adaptation Action Plan 2025–28 (**CCAP**) mentions Treaty partners once. There is no mention of Māori, mātauranga, or other concepts relating to Māori. [40] Māori were not consulted during the development of this plan.[41]

32. There are also significant knowledge gaps across the biodiversity system. [42] Estimates suggest that DOC's budget for threatened species is can only deliver conservation outcomes for 279 species – shy of the 542 species considered the most urgent to protect.[43]

33. Māori involvement in environmental adaptation has not given effect to rangatiratanga and kaitiakitanga. This is failure of partnership and active protection.

[38] Wai 3325, A76(d) at [15].
[39] Wai 3325, A124 at [24].
[40] Wai 3325, 4.1.011 at 270.
[41] At 276.
[42] At 272.
[43] At 273.

Local government

34. Local government is central to the practical delivery of climate adaptation. Yet, the Crown has not provided a national framework ensuring that local adaptation protects Māori interests and enables rangatiratanga.[44] The Climate Change Response Amendment Bill 2026 requires adaptation plans for priority locations. However, this is not a comprehensive framework for Māori participation nor recognition of mātauranga Māori.

35. The Crown is also removing climate direction from the resource-management system, leaving climate direction available to councils weaker than before.[45]

36. Support is also critical. Crown evidence acknowledges limitations in local-government funding and substantial differences in council capability.[46] Financial constraints are likely to affect how councils work with iwi and Māori.[47]

37. There is similarly no effective national accountability mechanism monitoring whether councils actually deliver adaptation outcomes for Māori.[48]

38. Without measures to ensure local authorities act in Tiriti consistent manners, devolution risks reproducing geographically uneven Treaty protection.

---

[44] Wai 3325, 4.1.10, at 133:18 to 133:30.
[45] Compare Resource Management Act 1991, ss 61, 66 and 74, as amended by the Resource Management Amendment Act 2020 with Planning Bill 2025 (235-3); Natural Environment Bill 2025 (234-3).
[46] Wai 3325 #A136 at [75.1] and [75.5].
[47] He Pou a Rangi Climate Change Commission *2026 Progress Report: National adaptation plan,* above n 8, at 75.
[48] Wai 3325, 4.1.10, at 516:23 to 517:5 and 137:1 to 137:5.

Emergency Management

39. Where adaptation fails, or has not yet been done, the emergency management system is what remains. Māori are not provided for in that system. The Emergency Management Act 2026 purpose provision makes no reference to Te Tiriti, Māori membership of decision-making committees is not required, and the person who must bring an understanding of Māori perspectives to the advisory tier need not represent a particular iwi or hapū. [49] The operative Treaty relationship has been devolved to local authorities, whose engagement with iwi and hapū varies with their own resourcing and priorities.[50]

40. Nor has the Crown resourced Māori to prepare. The only standing instrument for building capability before an emergency is the contestable CDEM Resilience Fund. The fund holds $889,000 per annum, has not been inflation adjusted for some 40 to 50 years, and is oversubscribed.[51] This is a failure of partnership and active protection.

Dated: 25 September 2026

Bryce Lyall
Counsel for the claimants

Hannah Swedlund

[49] Emergency Management Act 2026, ss 3, 26 and 42(2)(f)(i).
[50] Wai 3325, A131 at [43] and [45].
[51] Wai 3325, 4.1.11, at 373:3-8 and 382:14-18.