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KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA	**WAI 3325**
I TE TIRITI O WAITANGI	**WAI 2607**
BEFORE THE WAITANGI TRIBUNAL	**WAI 3412**
	WAI 3413
	WAI 3414

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 Anthony Olsen on behalf of himself and the Matiti Māori Committee (Wai 3414)

CLOSING SUBMISSIONS FOR ANTHONY OLSEN ON BEHALF OF HIMSELF AND THE MATITI MĀORI COMMITTE

5 October 2026

RECEIVED
Waitangi Tribunal
6 Oct 26
Ministry of Justice
WELLINGTON

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AND

IN THE MATTER OF a claim by Tane Cook on behalf of himself and Mataatua District Māori Council (Wai 2607)

AND

IN THE MATTER OF a claim by Jennifer Takuta-Moses on behalf of herself and the Wairoa Māori Committee (Wai 3412)

AND

IN THE MATTER OF a claim by Grace Hoet on behalf of herself and the New Zealand Māori Council (Wai 3413)

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MAY IT PLEASE THE TRIBUNAL

THE CLAIMANT SAYS.

1. These closing submissions are filed on behalf of Anthony Olsen (the Claimant) and the Matiti Māori Committee.

2. These submissions support the closing submissions made on behalf of the other claimants listed above.

3. The statement of claim for the Claimant adopted the particulars outlined in the Wai 2607 claim brought by Tane Cook on behalf of the Mataatua District Council.[1] The Wai 2607 Emissions Trading Scheme (ETS) claim was brought before the Waitangi Tribunal in 2016.

4. The claimant also adopted the further particularised and Amended Statement of Claim filed on 10 April 2026.[2]

5. In bringing the claim on behalf of the Matiti Māori committee, the claimant sets out the statutory mandate held under the Māori Community Development Act 1962, whereby Māori Committees hold the same functions conferred upon the New Zealand Māori Council generally under section 18 of the Act. Of particular relevance among those functions is to "conserve, improve, advance and maintain" the physical, spiritual, general health and economic wellbeing of Māori.[3]

6. The claimant's submissions primarily relate to the following Tribunal Statement of Issues:[4]

[1] Wai 2607, #1.1.1(e) *Fourth Amended Statement of Claim*.
[2] *Fifth Amended Statement of Claim dated 10 April 2026* (Wai 2607 #1.1.1(f))
[3] Wai 3325, #A7 *Brief of Evidence of Anthony Olsen*, at [6]; Māori Community Development Act 1962, section 10 and 18
[4] Wai 3325, #1.4.3 *Climate Change Priority Kaupapa Inquiry Tribunal Statement of Issues (TSOI)*

6.1. ***Issue 1:*** *What are the physical, spiritual, cultural, social, health, and economic impacts of climate change on Māori? This includes present impacts and likely impacts in the future.*

6.2. ***Issue 2.2:*** *What are the Crown's duties and obligations to Māori arising from those Tiriti/Treaty principles in terms of:*

6.2.1. ***Issue 2.2.3:*** *Supporting Māori to protect the natural environment and indigenous biodiversity from the impacts of climate change?*

6.3. ***Issue 3.9:*** *To what extent does the Emissions Trading Scheme need to be Tiriti/Treaty compliant and, in particular, take into account Māori interests, including but not limited to, in forestry assets?*

6.4. ***Issue 3.10:*** *Has the Emissions Trading Scheme been designed and operated in a way that properly respects Māori interests in and kaitiakitanga relations with the environment, including but not limited to rangatiratanga over forestry assets?*

6.5. ***Issue 4:*** *What recommendations should the Tribunal make in terms of how the Crown should conduct itself consistently with Tiriti/Treaty principles when forming future climate change legislation and policies?*

7. With regard to Issue 2 "What relevant Tiriti/Treaty principles should the Crown consider when addressing the impacts of climate change on Māori?" the Claimant supports and adopts the *Generic Closing Submissions on Te Tiriti o Waitangi and Tiriti Principles* and the relevant principles.[5]

[5]Wai 3325, #3.3.34 *Closing Submission in Relation to Te Tiriti o Waitangi and Tiriti Principles,* dated 25 September 2026.

8. The submissions of the claimant rely on te Tiriti/the Treaty principles of Partnership, active protection, and tino rangatiratanga as guaranteed in article two of Te Tiriti.

Summary of Evidence

9. The Claimant provided two briefs of evidence presented during hearing week one.[6]

10. His evidence covers broadly the following:

    10.1. The significant issues Māori communities face in climate resilience but also their leadership in developing solutions;

    10.2. The need for Māori landowners to be enabled in diversifying land use in particular within the forestry sector, including indigenous afforestation rather than pine plantation;

    10.3. recognising the constraints of the Emissions Trading Scheme ("ETS") to incentivise indigenous afforestion and these restrictions impact on choice for Māori to develop and use mātauranga practices in accordance with kaitiaki obligations

    10.4. Recloaking Papatūānuku as a positive Mātauranga and nature based solution offering investment in native forestry.[7]

11. The Claimant will make submissions on the above issues in these closings.

[6] Wai 3325, #A7 *Brief of Evidence of Anthony Wahreraupo Olsen*, dated 22 October 2024; Wai 3325, #A22, *Supplementary Brief of Evidence of Anthony Whareraupo Olsen,* dated 25 October 2024.
[7] Wai 3325, #A22, *Supplementary Brief of Evidence of Anthony Whareraupo Olsen,* dated 25 October 2024, at [8]-[10].

GENERIC SUBMISSIONS

12. The *Closings Submissions on Climate Impacts on Māori*[8] are relied upon. in particular the issues covered that address:

    12.1. Climate risks for coastal Māori communities;[9]

    12.2. Impacts on mātauranga Māori;[10]

    12.3. Impacts of the Emission Trading Scheme on Māori.[11]

13. The *Closing Submissions Relating To Climate Change Policy and Forestry* are further relied upon.[12]

14. *Closing Submissions on Biodiversity.*[13] In particular the part are referred to:

    14.1. The explanation of kaitiakitanga given by Matiu McCully and Margaret Mutu in the Report on the Petroleum Resource[14]

CLIMATE RESILIENCE FOR MĀORI COMMUNITIES

15. The Claimant's evidence emphasises significant issues of climate resilience faced by Māori communities. The Matiti Māori Committee is made up of members from Ōamaru to Timaru. Along that coastline alone are 58 cultural sites – including historical pā, urupā and kai gathering places – all vulnerable to climate change.[15]

[8] Wai 3325, #3.3.39 *Closing Submissions on Climate Impacts on Māori,* dated 25 September 2026.
[9] See for example [68]-[69];[97]-[99]; [112]-[121];[125]-[129].
[10] See for example [134]-[167].
[11] See for example [23]-[35].
[12] Wai 3325 #3.3.35, *Closing Submissions Relating to Climate Change and Forestry*, dated 25 September 2026.
[13] Wai 3325, #3.3.33, *Closing Submissions on Biodiversity,* dated 25 September 2026.
[14] At [18].
[15] Wai 3325, #4.1.3 *Transcript for Hearing Week One*, at 268.

16. The evidence of Crown witnesses Paula Rawiri, Gina Rangi and Anne Haira acknowledged the exposure of cultural sites to erosion and inundation for coastal communities generally.[16]

17. The claimant draws upon the way Dr Awatere has articulated climate risks for Māori in *He huringa āhuarangi, he huringa ao,* as well as the Te Puni Kokiri report "Understanding climate hazards for hapori Māori – Insights for policy makers report", which was also discussed by a Crown witness for Te Puni Kokiri, Paula Rawiri.[17]

18. Discussing the 2026 National Climate Change Risk Assessment Ngā mea hirahira o te ao Māori, *the Closings Submissions on Climate Impacts on Māori* stated: [18]

    18.1. Many marae, papakāinga, urupā, wāhi tapu and wāhi tūpuna are in high-risk zones increasingly exposed to flooding, erosion, sea-level rise, and storm damage;[19]

    18.2. By 2090, with warming reaching 2.5°C–3.5°C, coastal inundation and storm surge may render some significant sites unsafe or uninhabitable without major protection, redesign, or managed retreat;[20]

    18.3. When Māori infrastructure is compromised, the consequences extend beyond physical damage;[21] *and*

[16] Wai 3325, #A149, at [18.2]; Wai 3325, #A118 at [13.1]-[13.3].
[17] Manaaki Whenua| Landcare Research, Awatere et al "*He huringa āhuarangi, he huringa ao: a changing climate, a changing world"* (2021) in #A7(b) *Document Bundle for Anthony Olsen* at 1-71; Te Puni Kokiri, *Understanding climate hazards for hapori Māori" – Insights for policy makers report,* in #A7(b) at 74 – 128; Wai 3325, #A149, *Brief of Evidence of Paula Rawiri*, at [39]-[53].
[18] Wai 3325, #3.3.39 *Closing Submissions on Climate Impacts on Māori,* dated 25 September 2026; Wai 3325, #3.3.39, *Appendix A: Ngā mea hirahira o te ao Māori: Climate Change risks to the Māori domain, National Climate Change Risk Assessment (NCCRA) 2026.*
[19] At [112].
[20] At [118].
[21] At [119].

18.4. decline of tikanga affects both knowledge and emotions - ecological decline causes significant emotional and psychological problems.[22]

Māori leadership and resilience

19. However, at the same time as emphasising the vulnerabilities for Māori communities through climate change impacts, the claimant's shares his perspective that there are solutions available through Mātauranga in particular, and Māori communities already are engaged and leading in these areas.[23]

20. The Claimant uses examples of Māori climate change projects through the Deep South Challenge Symposium to illustrate that Māori communities are engaged with this kaupapa and are using innovative methods to design solutions.[24]

21. A key point in the Claimant's evidence is emphasising the motivation of Māori authorities in responding to climate change, relying on statistics released by Statistics NZ on the actions that various Māori authorities have undertaken to develop programmes and initiatives in response to climate change.[25]

DIVERSIFYING LAND USE FOR MĀORI LANDOWNERS

22. The claimant's evidence and submission is that Māori must be enabled to make choices on land use based in kaitiakitanga, and those choices should be supported financially notwithstanding the constraints in the current ETS.

[22] At [121]
[23] Wai 3325, #A7, at [14]-[18].
[24] [31]-[35].
[25] Wai 3325, #A7 at [27]-[30]; Wai 3325 #A7(b) Statistics New Zealand *Maori Authorities Demonstrate their commitment to kaitiakitanga in response to climate change* (September 2022) at 129-132.

23. His argument is two-fold:

    23.1. first, establishing native forests through new planting or regeneration often resonates better than pine forestry plantations under obligations of kaitiakitanga;[26] and

    23.2. second, where pine forests continue to be used by Māori landowners, growing secondary crops such as mānuka honey and rongoa plants or even stocking kōura in ngahere fire ponds could diversify the land use, while still aligning with Māori kaitiakitanga values.[27]

24. As the *Generic Closing submissions on Forestry* make clear, forestry is central to the Crown's primary climate change mitigation strategy, and the Crown is aware of the significant interest Māori have in forestry.[28] Despite this, the engagement to date on forestry matters has been "poor, uneven and inconsistent with the Treaty standard". [29]

Indigenous vs Pine afforestation

25. The Claimant's evidence supports carbon sequestration through indigenous afforestation as opposed to an excessive reliance on pine plantation pursued by the ETS.[30]

26. This is consistent with a kaupapa of reclaiming and returning to ways of living in accordance Matauranga and te Ao Māori being prior to colonial disruption. As Dr Anthony Cole in his evidence observes:[31]

> prior to 1840 approximately 82% of Aotearoa was covered in indigenous forest or Ngahere Urutapu (Figure A4); ca. 12% was

[26] Wai 3325, #A7 at [49]
[27] At [53]-[55].
[28] Wai 3325, #3.3.35, *Generic Closing Submissions Relating to Climate Change Policy and Forestry*, at [4]; [7]-[8].
[29] At [2(e)].
[30] Wai 3325, #A7, [36]; [42]-[47].
[31] Wai 3325, #A84 *Brief of Evidence of Dr Anthony Owen Cole me onā Tipuna*, dated 6 May 2025, at [53]

> covered in grassland/scrubland…. it is possible to estimate that the indigenous forests, scrub–grassland and wetland cover of Aotearoa at this time sequestered around **400-700 M t of C02.** Thus, for approximately 1,000 years, this finely balanced, life-supporting world of our tīpuna made its unique contribution towards the resilience of Earth's climate system.

27. In his oral evidence before the Tribunal, the claimant referred to the Indigenous Plantation Database, explaining that new research has shown that planted indigenous forest may be better at sequestering carbon than previously considered, particularly as the trees age. While pine trees sequester carbon at a higher rate than native trees in the first 50 years of their growth, after this initial period the native tree is able to sequester carbon at a higher rate.[32]

28. This is supported by the evidence of Samuel Dean, the Crown witness on climate science, who acknowledged in his answers that while indigenous forests grow slowly, mature indigenous forests are a large sink of carbon from the atmosphere:[33]

> We're not entirely sure why that reason is and there are experts who question it's veracity. But if we could understand why they are such a large carbon sync, then it may well be possible to build that 20 into the accounting system in a way that incentivises permanent indigenous forest which would be a good carbon storage source.

Diversifying land use within forestry plantations

29. The other issue submitted by the Claimant is that where there are still pine forests, there are mātauranga practices that can be harnessed to bring in indigenous responses such as manuka growing among pine; Rongoa planting and even stocking koura in ngahere ponds.[34]

[32] Wai 3325, #4.1.3 *Transcript for Hearing Week One* at 281.
[33] Wai 3325, #4.1.10 *Transcript for Hearing Week Six* at 661.
[34] Wai 3325, #A7, at [53]-[57].

30. He emphasises:[35]

> Because radiata pine needs a lot of light to grow, its own seedlings will not establish beneath its canopy. Therefore, pine will naturally decline over time and gradually be replaced by native forest, a process that occurs naturally but takes many decades.
>
> To provide crucial structural and species diversity, and to expedite the transition process, native trees requiring plenty of light need to be planted, and pine trees need to be thinned. This is nothing like commercial harvesting, so the problems associated with forestry "slash" do not arise.

31. His evidence is supported by Crown witnesses Bryan Smith and Simon Mandal-Johnson in their oral evidence:[36]

> There are new techniques for establishing particularly kānuka and mānuka as a nurse crop which can also produce honey production as an interim income stream and then plant within lightwells. Now that is much cheaper to establish than some of the other 30 more traditional planting and it also sequesters carbon a lot faster.

32. They acknowledged that this was a new area of science compared to other areas.[37]

33. The Claimant submits that, as with other areas where the implementation of Mātauranga is a key priority for Māori, funding in this area is particularly vulnerable to changes in the Government's science, innovation and technology system investment priorities, as outlined in the updated evidence of William Martin[38]. His evidence noted that, as of April 2026, the reforms change the national priorities and funding decisions but it is not possible to state how climate change-related

[35] Wai 3325, #A7, at[38]-[39].
[36] Wai 3325, #4.1.10 *Transcript for Hearing Week Six,* at 501
[37] Ibid.
[38] Wai 3325, #A135(b) *Speaking Notes of William John Martin*, Dated 22 April 2026 at 3.

research would be managed or funded in practice under the new settings.[39]

CROWN RESPONSE REGARDING INDIGENOUS AFFORESTATION IN THE ETS

34. The evidence from the Crown relating to forestry and the ETS is discussed by Crown witnesses Robyn Collins and Samuel Keenan, as well as Bryan Smith and Simon Mandel Johnson.[40]

35. Their evidence is that the ETS does not prevent conversion of exotic forestry to native forestry, but they acknowledge that financial barriers arise where post-1989 forest land may incur liabilities if the conversion reduces the carbon sequestration.[41] Their evidence maintains that *pinus radiata* pine forests are faster to grow and able to sequester greater carbon than native or indigenous forests.

36. The rationale is that there was a need for a strong and stable ETS, for market stability, and to give businesses certainty and confidence.[42]

37. This position – that there was no prohibition in the ETS but that pine is economically advantageous – was put to the Claimant during cross-examination of Crown counsel. The Claimant understands there is not a prohibition, but the transition process for Māori forest-owners can be economically detrimental.[43]

38. The *Closing Submissions on Climate Impacts on Māori* notes that the ETS leaves Māori inequitably exposed.[44]

[39] At 4.
[40] Wai 3325, #A120, *Brief of Evidence of Robyn Julie Collins and Samuel Ross Keenan,* dated 3 October 2025; Wai 3325, #A140, *Brief of Evidence of Bryan James Smith and Simon David Mandal-Johnson*, dated 3 October 2025.
[41] Wai 3325, #A120, at [307]-[308]; Wai 3325, #A140 at [258].
[42]Wai 3325, #A120, at [341].
[43] Wai 3325, #4.1.3 *Transcript for Hearing Week One*, at 293.
[44] Wai 3325, #3.3.39, *Closing Submissions on Climate Impacts on Māori,* at [23].

39. The Claimant submits this does not have to be so. His concerns are echoed in the evidence of the Crown, which discusses recurring concerns raised by Māori on the functioning of the ETS and a lack of available incentives for indigenous afforestation opportunities.[45]

40. As recently as 2023, in a review of the ETS, Māori in the sector were recognised as having a strong interest in indigenous afforestation as permanent forests.[46] There were differing views recorded as to the best pathway to permanent indigenous forests, with some content with the financial viability of using pine forests to transition over time into indigenous forests, while others wanted more direct support for indigenous afforestation and regeneration from the ETS because of the nature of higher incentivisation for pine forestry. In any case, it seems clear that Māori who participated were wanting to expand into options other than pine, including other nature-based solutions.

41. In answering questions from the Tribunal Panel, Simon Mandal-Johnson acknowledged that the ETS system does not currently incentivise native replanting such that landowners are not left out of pocket, but that it could do so.[47]

42. The Climate Change Commission in its 2026 Emissions Reduction Monitoring Report observed that current policy settings are not enabling practical opportunities to accelerate emissions reductions, and incentivising indigenous afforestation would contribute to enabling conditions to reduce emissions further in the long term.[48]

[45] Wai 3325, #A120, at [325.3]; Wai 3325, #A140(b) *Summary of evidence of Bryan James Smith and Simon David Mandal-Johnson*, dated 26 March 2026 at [29.6].
[46] Wai 3325, #A140(b), at [34]-[34.1] [29.6]; Wai 3325, #A120, at [325]-[333].
[47] Wai 3325, #4.1.10 *Transcript for Hearing Week Six*, at 500.
[48] He Pou a Rangi | Climate Change Commission "Monitoring report: Emissions Reduction, (July 2026) at 43.

43. The Alt F – Reset report itself has criticised the ETS for not adequately incentivising sustainable forestry models and native afforestation[49]

SUBMISSIONS FOR THE CLAIMANT

Constrained ability to exercise kaitiakitanga in land use decisions

44. As established above and acknowledged by the Crown, Māori have significant interests, rights in the area of Forestry and the claimant has further submitted Māori have existing kaitiaki responsibilities in this area.

45. As set out in the *Generic Closing Submissions on Te Tiriti o Waitangi and Tiriti Principles*:[50]

> Māori landowners are required to make long-term decisions about forestry and the future use of their whenua within regulatory and emissions-pricing settings that can significantly constrain their land-use options.

46. The Crown evidence shows that while Māori views are not necessarily harmonious, there is consensus for favouring indigenous forests planting and this is consistent with tikanga. As established in cross-examination, Māori presently have no ability to have decision-making powers over final decisions.[51] While the witness Mr Mandal-Johnson has acknowledged that the ETS could be changed to incentivise indigenous afforestation, no action has been taken to advance this as a priority.[52]

47. Instead the Crown policy is to incentive Māori to afforest their lands with pinus radiata to be allocated NZUs.[53]

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[49] Wai 3325, #A140, at [286.4].
[50] Wai 3325, #3.3.34 *Generic Closing Submissions in relation to Te Tiriti o Waitangi and Te Tiriti Principles,* dated 25 September, at [3.8(d)].
[51]Wai 3325, #4.1.10 *Transcript for Hearing Week Six*, at 463
[52] See above paragraph [36].
[53] [53]Wai 3325, #3.3.35 *Generic Closing Submissions Relating to Climate Change Policy on Forestry,* at [68].

48. The *Generic Closing Submissions Relating to Climate Change Policy on Forestry* submit early engagement with Māori in developing the ETS was relatively better than later engagement regarding policy changes to the ETS settings.[54]

49. The *Generic Closing Submissions in relation to Te Tiriti o Waitangi and Te Tiriti Principles,* stated: "What partnership requires will depend on the circumstances, including the nature of the Māori rights and interests engaged."[55]

50. The Tribunal in *Nga Mātāpono* found:[56]

> Where there is an overlap or intrusion into the rangatiratanga sphere contemplated by Crown action or policies, open dialogue and engagement with Māori is required. This constitutional positioning of the Treaty/te Tiriti Māori–Crown relationship means that the Crown is required to engage with Māori on such important policies and to recognise and give effect to the guarantee of tino rangatiratanga in statute law.

51. The *Generic Closing submissions* further stated "that in matters where Māori hold rights, authority and responsibilities, tino rangatiratanga is engaged in relation to climate change and climate responses."[57]

52. The submissions for the New Zealand Māori Council, which are also adopted here, are that consultation alone is not an appropriate mechanism for engaging with Māori where their interests are directly affected.[58] As Dr Cole's evidence suggests, and as is consistent with the Crown's own policy documents, engagement requires a greater degree

[54] at[47]-[52].
[55] Wai 3325, #3.3.34 *Generic Closing Submissions in relation to Te Tiriti o Waitangi and Te Tiriti Principles,* at [6.14].
[56] Waitangi Tribunal, *Ngā Mātāpono/The Principles* (Wai 3300, August 2024) at 71 in Wai 3325, #3.3.34 *Generic Closing Submissions in relation to Te Tiriti o Waitangi and Te Tiriti Principles,* at [6.11].
[57] At [6.8].
[58] Wai 3325, *Closing Submissions for Wai 2607 and Wai 3413,* at [129]; [134].

of Māori participation where Māori rights and interests are especially engaged.[59]

53. In this context, decisions relating to forestry and land use within climate change policy require the Māori involved to have meaningful influence on decision-making.

54. The *Generic Closing Submissions Relating to Climate Change Policy and Forestry* stated:[60]

    54.1. That the Crown derives significant benefit from Māori forestry investment and actively encouraged this investment;

    54.2. The burden of changes to climate change policy settings is significantly borne by Māori landowners and Māori communities who have made the decision to invest in forestry either directly or through the acquisition of Crown forest lands through Treaty settlements; and

    54.3. That the Crown is aware of the significant impact on Māori from changes in climate change policy settings and from the regulation of forestry activity.

55. Thus there exists a legitimate and Treaty based expectation for the Crown to co-design its climate change policies, particularly where those polices have impacts on Māori interests in forestry.[61]

56. Not only has the Crown failed to take steps through its own policies in reducing emissions, but it has failed to support measures in this area based upon Māori values in Mātauranga and tikanga. In doing so, the Crown has breached its obligations to actively protect Māori's right to

[59] Wai 3325, #A84 *Brief of Evidence of Dr Anthony Owen Cole me onā Tipuna*, dated 6 May 2025, at [70]; Wai 3325, #A84(e), *Brief of Evidence of Dr Anthony Owen Cole me onā Tipuna,* dated 4 March 2026, at [25]-[27].
[60] Wai 3325, #3.3.35 *Generic Closing Submissions Relating to Climate Change Policy on Forestry,* at [66].
[61] At [67].

exercise their rangatiratanga, including their kaitiakitanga obligations in relation to their environment.

Recloaking Pāpātuānuku

57. The Claimant is further concerned by the Crown's failure to support the Recloaking Papatūānuku initiative. Recloaking Papatūānuku is a positive Mātauranga-based initiative offering investment in native forestry.[62] Its proposal is to reforest and restore 2.1 million hectares of indigenous forest over the next 30 years.[63] The initiative envisions the beneficial use of Māori land, as well as other private or public land.[64]

58. As a nature-based solution, Recloaking Papatūānuku seeks to restore the environment by:

    58.1. building landscape resilience;

    58.2. enhancing native biodiversity;

    58.3. ensuring that existing carbon stocks are retained in the biosphere; and

    58.4. sequestering ongoing CO2 emissions.[65]

59. It proposes to do this through restoration and enhancement more than 2 million ha. of new, regenerating and degraded native forest and wetlands across Aotearoa; and sustaining, enhancing existing old-growth native forests.[66]

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[62] Wai 3325, #A22, *Supplementary Brief of Evidence of Anthony Whareraupo Olsen,* dated 25 October 2024, at [8]-[10].
[63] At [6]
[64] Wai 3325, #A22, , at [5]-[8]
[65]Pure Advantage, Emeritus Professor David Norton and Simon Millar "Recloaking Papatūānuku and Think Like a Forest: a Case Study in Narrative, Science and System Change" (July 2026), at 3.
(p3 of case study) it proposal is to see 2 million ha of new regenerating and degraded native forest
[66] At 3.

60. The economic modelling based of 2023 data indicated a programme cost of NZD 8.5–12 billion to 2050; achieving Carbon sequestration of 1,500 MT CO2 to 2100 and Abatement cost: ~$32/$tCO_2$ vs ~$60/$tCO_2$ for international offsets.[67]

61. The initiative arose from concerns about the risks of carbon farming using exotic monocultures (i.e. overreliance on pine forestry), recognising that these approaches would not address the climate emergency and there is a need for a more integrated resilient land use model.[68] It is intended to work in relationship with the ETS, and have its own policy architecture; it is not simply a matter of carbon credits but rather is intended to reward enduring carbon sequestration.

62. The initiative was developed in 2023 and put before the government for investment that same year, while also being presented at COP28 in Dubai by the Government as part of Aotearoa's New Zealand climate response.[69] It has been proposed that funding Recloaking Papatūānuku would be cheaper than purchasing international offset units to meet New Zealand's NDC commitments.[70]

63. This issue has been raised in *Generic Closing Submissions on Crown Mitigation Policies* whether if the Government does purchase offshore mitigation, would this have been better invested in providing incentives for reducing emissions domestically.[71]

64. The Crown has highlighted examples of indigenous planting initiatives outside of the ETS that it has supported over the years, such as the One Billion Trees initiative.[72]

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[67] At 6.
[68] At 5.
[69] At 8.
[70] At 7.
[71] Wai 3325, *Generic Closing submissions on Crown Mitigation Policies,* dated 25 September 2026 at 31, [110]-[110].
[72] Wai 3325, #A120, at [137]-[148].

65. However, Recloaking Papatūānuku was not one of those initiatives, nor since the fund has closed been investigated to replace it when the programme ends in 2028 despite being well placed to work with the ETS and provide an alternative to purchasing offshore credits.[73]

66. Despite the clear benefits that the Recloaking Papatūānuku initiative would bring, the government has failed to properly support it.

67. The Claimant submits that this is part of the Crown's ongoing failure to active protect Māori rights to exercise rangatiratanga over their environment, in breach of the Treaty.

CONCLUDING COMMENTS

68. The Claimant's evidence and submissions before the Tribunal demonstrates that Māori have consistently advocated for their own solutions in climate responses that align with tikanga, mātauranga Māori and kaitiakitanga obligations. Despite this, Crown policy settings rarely reflect Māori-led climate solutions.

69. While Māori views have been sought through consultation processes, the evidence from the Crown demonstrates that Māori have had limited influence over the ultimate design of policies like the ETS and as such, their priorities and choices are constrained through the settings that prioritise economic and market considerations over investment in other climate-mitigation initiatives that better align with Mātauranga Maori and tikanga Māori.

70. As stated in the *Generic Closing Submissions Relating to Climate Change Policy on Forestry,* the ETS as a market-based scheme is vulnerable to the policy settings put in place, making participants vulnerable to politically motivated changes.[74] However, there has been no evidence from the

[73] Wai 3325, #A69(f).
[74] Wai 3325, #3.3.35 *Generic Closing Submissions Relating to Climate Change Policy on Forestry,* At [11].

Crown as to why indigenous afforestation initiatives cannot be properly provided for in the ETS.

71. Accordingly, the claimant seeks findings that the Crown has failed to actively protect Māori interests in relation to indigenous afforestation and Māori-led climate mitigation initiatives, and has failed to provide Māori with meaningful opportunities to exercise rangatiratanga in decisions affecting the use and management of their whenua in response to climate change.

RECOMMENDATIONS

72. The Claimant further seeks recommendations that the Crown:

    72.1. Reform the Emissions Trading Scheme policy settings to properly recognise and incentivise indigenous afforestation and regeneration and remove barriers faced by Māori landowners;

    72.2. Establish research funding priorities affecting Māori land and resources, together with ring-fenced funding for mātauranga Māori climate research and Māori-led climate mitigation initiatives. Such funding should be protected from future changes to Government science and innovation priorities,

    72.3. Provide direct support to Māori land owners to assist in diversifying land use;

    72.4. Crown investment into the Recloaking Papatūānuku initiative as a nationally significant climate mitigation capable of contributing to Aotearoa New Zealand's emissions reduction commitments.

Dated at **Wellington** this 5 October 2026.

Donna Hall Darshini Dorn Michael Sharp

Counsel for the Claimants