IN THE WAITANGI TRIBUNAL	**WAI 3325** **WAI 3285** **WAI 3286**
CONCERNING	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 Lani Kereopa, Nicki Douglas, Roana Bennett and Mariana Te Rangi for and on behalf of themselves as representatives of their whānau, hapū and iwi and as representatives of Te Urunga o Kea the Te Arawa Climate Change Working Group (Wai 3285)
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 Rangi Hapū and Te Whānau a Umuariki Hapū of Ngāti Uepōhatu Iwi of Te Papatipu o Uepōhatu of the Ruatoria District

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CLAIMANT SPECIFIC CLOSING SUBMISSIONS ON BEHALF OF TE URUNGA O KEA – TE ARAWA AND NGĀTI UEPŌHATU

Dated this 9th day of October 2026

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WELLINGTON

TE WHENUA LAW

Tania Te Whenua
Principal
P: 021 026 00026
E: tania@tewhenua.nz

INTRODUCTION

1. These closing submissions are filed on behalf of:

    a. A claim by Lani Kereopa, Nicki Douglas, Roana Bennett and Mariana Te Rangi for and on behalf of themselves as representatives of their whānau, hapū and iwi and as representatives of Te Urunga o Kea the Te Arawa Climate Change Working Group (Wai 3285); and

    b. Tui Aroha Warmenhoven on behalf of herself as Trustee and Chair of Umuariki Marae and members of Ngāti Rangi Hapū and Te Whānau a Umuariki Hapū of Ngāti Uepōhatu Iwi of Te Papatipu o Uepōhatu of the Ruatoria District (Wai 3286) herein referred to as "the Claimants".

2. The closing submissions summarise the Claimant's respective and joint positions in respect of the parent issues for consideration in this priority inquiry and invite the Crown to make findings in respect of those issues:[1]

    a) 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.

    b) What relevant Tiriti/Treaty principles should the Crown consider when addressing the impacts of climate change on Māori?

    c) Has the Crown's conduct (including actions and omissions) in response to climate change been consistent with Tiriti/Treaty principles?

    d) 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 policies?

3. Counsel adopts in full the generic closing submissions that have been filed on behalf of participating claimants in response to the issues for determination within this Inquiry.

[1] Wai 3325, #1.4.3.

4. These submissions set out the evidence on climate impacts, Crown breaches and corresponding recommendations sought by and specific to the Claimants.

IMPACTS OF CLIMATE CHANGE ON TE URUNGA O KEA

Impacts on Te Arawa Lakes Eco-systems

5. Te Urunga o Kea has provided evidence of significant climate threats to Te Arawa Lakes ecosystems which also amplify pre-existing issues which the Crown has failed to adequately address through the partnership model associated with the Te Arawa Lakes Settlement.[2]

6. Climate impacts on Te Arawa Lakes ecosystems include a direct impact to Te Arawa lakes water quality and taonga caused by seasonal stratification events, algae and cyanobacteria, erosion and sedimentation and increased lake levels.[3]

Impacts on marine taonga and associated commercial impacts

7. In terms of impacts on taonga species Interim CEO of Te Arawa Fisheries group, Peter Rice gave an in-depth analysis of scientific evidence concluding that "A wave of climate stressors are coming our way"[4] including that marine taonga are likely to be reduced, with slower maturation, a lighter weight and increased mortality.[5]
8. Mr Rice further cautioned that "the resulting commercial impacts for Te Arawa Fisheries is that small changes to productivity have outsized gains to commercial viability whilst settlements and consents take too long and slow productivity."[6]

[2] Speaking notes of Sarah Wharekura 5 July 2025 (Wai 3325, #A70(b)) at [9].
[3] Joint brief of evidence of Sarah Wharekura and Soweeta Fort-D'ath 28 April 2025 (Wai 3325, #A070) at [5] – [24].
[4] Brief of evidence of Peter Rice 28 April 2025 (Wai 3325, #A057) at [37].
[5] Ibid (Rice) at [38] citing 'State of Knowledge: Climate Change and New Zealand's Seafood Sector', Synthesis Report, Fisheries New Zealand, 2023.
[6] Wai 3325, #A057 at [46].

9. Mr Rice criticised the Crown's regulatory framework and monitoring systems as "too slow and under-funded in reacting to impacts on wild fisheries"[7] whilst also largely excluding mātauranga Māori.

IMPACTS OF CLIMATE CHANGE ON NGĀTI UEPŌHATU

10. The evidence of Dr Shaun Awatere is that climate change is intensifying impacts of Crown policy, making the Waiapu catchment region ecologically vulnerable.[8] Specific impacts include:

- Erosion and Sedimentation
- Threats to Biodiversity and Ecosystems
- Impacts of Extreme Weather Events
- Threats to Infrastructure
- Impacts on Whakatipu Rawa (Māori Enterprise)
- Impacts on ahurea Māori and tikanga Māori (culture and practices)

JOINT HEALTH IMPACTS OF CLIMATE CHANGE ON THE CLAIMANTS

11. The impacts of climate change on the health and wellbeing of Māori such as Ngāti Uepōhatu are summarised by Dr Shaun Awatere: [9]

> Māori are expected to be disproportionately affected via direct (heatwaves, floods) and indirect (water scarcity/quality, infectious vectors, disrupted services, housing and livelihood stress, food insecurity) pathways; public health efforts need to focus where impacts will be greatest and reduce inequities, recognising health's dependence on social-economic stability and healthy natural systems.

12. Dr Rhys Jones for Ngāti Uepōhatu states that, health is shaped by social, economic, environmental, political and commercial

[7] Ibid at [45].
[8] Speaking notes of Dr Shaun Awatere dated 29 September 2025 (Wai 3325, #A80(b)) at [56].
[9] Wai 3325, #A80(b) at [53(c)].

determinants.[10] Human and ecological wellbeing are deeply interconnected and interdependent.[11]

13. The health impacts of climate change most seriously affect poor, disadvantaged and vulnerable people.[12] Māori are disproportionately vulnerable to the health impacts of climate change compared with non-Māori[13] because of existing health inequities.[14]

14. Dr Jones highlights that the emissions trading scheme ("the ETS") has reduced available public funding for health services, thereby constraining the Crown's ability to address current health and social inequities for Māori.[15]

15. Dr Jones sets out that, within Aotearoa New Zealand, climate change is expected to have the following direct health impacts:[16]

- Food security and nutrition:
- Mental health and suicide:
- Housing and health:
- Injury and illness from extreme weather events (e.g. flooding, storms, landslides, storm surges, drought):
- Heat-related deaths and illness:
- Vector-borne and zoonotic (animal to human) disease:
- Food- and water-borne disease:
- Ultraviolet (UV) radiation:
- Physical activity:
- Allergic diseases, including asthma:

IMPACTS ON TINO RANGATIRATANGA AND PARTNERSHIP

[10] Brief of Evidence of Dr Rhys Jones dated 6 May 2025 (Wai 3325, #A79) at [10].
[11] Wai 3325, #A79 at [11].
[12] Wai 3325, #A79 at [14] – [15].
[13] Wai 3325, #A79 at [19].
[14] Ibid at [25].
[15] Ibid at [76].
[16] Ibid at [18].

16. The Crown's development of its response to climate change has excluded the participation and aspirations of Māori communities, including that of the Claimants.

17. The Crown has done so by largely limiting its response to the global threat of climate change to setting emissions reduction targets under international treaties and establishing an emissions trading scheme aimed at facilitating compliance with these treaties.

18. This has resulted in the Crown's climate policy prioritising and promoting short-term economic interests over holistic and ambitious reduction of the material impacts of climate change.

19. Further, the Crown's climate policies fail to adequately resource and enable Māori communities to exercise tino rangatiratanga in their climate change aspirations and fail to adequately protect Māori and their taonga from the disastrous effects of climate change.

Engagement with local government bodies: land use and development

20. Within the Crown's partnership model the burden often falls on Māori to hold the line on protecting whenua and waterways from the impacts of increased land development which are exacerbated in the advent of climate change. Ms Hancock's evidence was, "From the outset this task created a tension whereby mana whenua representatives were required to co-design an SMP alongside RLC, that would enable the development of the Whenua that we did not agree should be developed in the first place.[17]

IMPACTS ON MĀTAURANGA MĀORI - UNDUE PRIVILEGING OF ECONOMIC PRIORITIES

21. The Crown's approach is that Crown policies and western ideologies which are the source of the climate change crisis continue to be

[17] Wai 3325, #A056 at [28].

prioritised by the Crown as the solution. The Claimant's view on this is summarised aptly by Mr John Douglas Macredie:[18]

> It is generally accepted that climate change is an unforeseen consequence of colonisation, global forest removal, capitalism and rampant industrialization. These all stem in the main from western individualistic consumerism and granular left brain approaches to science and thought. The solutions needed therefore must be sourced from a different value space and thought processes. This is why Māori and indigenous peoples must lead climate change solutions rather than just contributing to them. We as Te Arawa are part of the transformational leadership change that is needed to correct the way in which the environment is perceived and managed and to ensure climate change is reversed.

22. Mr Macredie goes on to say:[19]

> [34] By avoiding dialogue and reconsideration of meaningful remedies to the damage inflicted through ecological imperialism, the Crown does not truthfully address its own environmental mismanagement, destruction and the imposition of an alternative ecology and alternative primary production system. It is therefore completely inappropriate and offensive for tangata whenua to in anyway be subjected to the idea that the Crown and the associated leadership paradigms and environmentally detached thought processes are to address climate change. Preposterous is the word that comes to mind.

CROWN CLIMATE INERTIA OR INDIFFERENCE

[18] Brief of evidence of John Douglas Macredie (Wai 3325, #A059) at [9] citing Te Ara ki Kōpū Te Urunga o Kea Climate Strategy 2021, p 4.
[19] Wai 3325, #A059 at [34].

23. Dr Jones for Ngāti Uepōhatu points out that the lack of urgent, substantial and progressive climate action will disproportionately affect Māori.[20]

24. For example, in respect of health he states that, "The Crown has been aware of the health effects [of climate change], including the likelihood of worsening Māori health inequities, for at least 15 years".[21]

25. Despite this, the Crown has failed to take climate action and has even reversed some climate policies, exacerbating Māori health inequities.[22]

26. Dr Jones outlined the wide foundation of international human rights standards that establish and reinforce the right to health for Māori.[23] These international obligations require the Crown to actively improve Māori health and take all possible steps to limit the health impacts of climate change on Māori.[24] We note that Dr Jones evidence is supported by our generic closing submissions on climate change and international law which are adopted.

BREACHES OF THE PRINCIPLES OF THE TREATY OF WAITANGI

Breach of Rangatiratanga

27. In breach of the principle of rangatiratanga the Crown has usurped full control of legislative, regulatory and policy creation undermining the ability of Māori to make decisions to protect themselves, their communities and the taonga from the impacts of climate change domestically, and in the international domain.

Breach of Active Protection

28. The Crown has known about the looming impacts of Climate Change on Māori communities since at least 1988 when the IPCC was established and began informing policy makers about the impacts of climate change

[20] Wai 3325, #A79 at [95]–[97].
[21] Ibid at [23].
[22] Ibid at [26].
[23] Ibid at [38]–[47].
[24] Wai 3325, #A79 at [49] – [52].

in the form of written reports which the Crown's own agents and Research Institutes actively contribute to.

29. Despite knowing about the impacts of climate change on Māori for decades, the Crown is failing to act with sufficient urgency to address climate change in a manner that actively protects Māori rights and interests, including by failing to:

    e) take adequate steps to ensure that New Zealand bears its fair share as a developed nation in reducing greenhouse emissions so as to keep global temperature rises below dangerous levels.

    f) accelerate ecological restoration and protection within a Tiriti measurement frame that prioritises indigenous estate; the progeny of Ranginui and Papatuanuku.[25]

    g) give effect to a more holistic approach, moving from a resource management approach to a mauri balancing approach as opposed to "the masters of the universe, dominion over all things, mentality transposed into New Zealand law from biblical origins."[26]

Breach of the principle of equity

30. The obligations arising from partnership, give rise to the principle that Māori are entitled to participate equitably in the benefits of Crown policy alongside Pākehā.

31. Though climate change may be affecting all New Zealanders, the impacts of climate change on New Zealanders are not being felt equitably by all. New Zealand's most vulnerable communities are and will continue to bear a disproportionate burden of the adverse effects of climate change.

[25] *Brief summary document: insight to the Rauora Indigenous Worldview Framework for the National Climate Change Adaptation Plan* Ihirangi above n 113, p 9.
[26] Ibid, p 10.

32. This invariably means that the failures on the part of the Crown to take adequate steps to address climate change are affecting Māori in a disproportionately damning way as compared to non-Māori.

33. Therefore, the inadequacy of the Crown's current climate response is in and of itself a breach of the principle of equity.

34. As such the Crown has been and continues to be in breach of the principles of Te Tiriti o Waitangi in the manner set out above.

RECOMMENDATIONS SOUGHT

35. In these circumstances, the Claimant asks for the following findings:

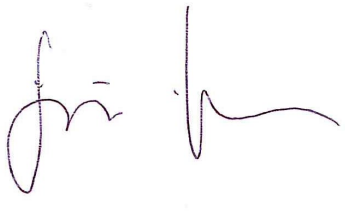
    (a) That the Crown has and continues to breach its obligations of active protection towards the Claimants and Māori generally in responding to the current and impending devastating impacts of climate change on their communities.

    (b) That the Crown should partner with the Claimants to formulate national policy responses that adequately and actively protect the Claimants and Māori generally from the ongoing impacts of climate change.

    (c) That the Crown should enable and resource the Claimants to formulate local climate change responses that are appropriate to their community's needs and priorities.

May it please the Tribunal these are the Closing Submissions for the Claimants.

DATED this 9th day of October 2026



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Tania Te Whenua
Claimant Counsel

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Danica Loulié-Wijtenburg
Claimant Counsel