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

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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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

[1] Wai 3325, #1.4.3.

determination within this Inquiry. In particular counsel has previously filed on behalf of the Claimants:

a. Generic Closing Submissions on the Impacts of Climate Change on Māori dated 25 September 2026; and

b. Generic Claimant Submissions on Climate Change and International Law dated 6 October 2026; and

c. Generic Claimant Submissions on Climate Change Crown Māori Engagement dated 6 October 2026.

4. Counsel further adopts Generic Claimant Submissions in relation to Te Tiriti o Waitangi and Te Tiriti Principles.[2]

5. 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

6. Te Urunga o Kea has provided further 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.[3]

7. Climate impacts on Te Arawa Lakes ecosystems include a direct impact to Te Arawa lakes water quality caused by seasonal stratification events, algae and cyanobacteria, erosion and sedimentation and increased lake levels.[4]

8. Ms Sarah Wharekura of Te Arawa Lakes Trust gave evidence that:[5]

[2] Wai 3325, #A 3.3.34.
[3] Speaking notes of Sarah Wharekura 5 July 2025 (Wai 3325, #A70(b)) at [9].
[4] Joint brief of evidence of Sarah Wharekura and Soweeta Fort-D'ath 28 April 2025 (Wai 3325, #A070) at [5] – [24].
[5] Wai 3325, #A70(b) at [11] – [20].

[11] Due to the aforementioned sewerage discharge and agricultural activities, lakes such as Lake Rotorua exhibit degraded water quality.

[12] Lake Rotorua is also a shallow polymictic lake, meaning that during the summer the lake undergoes stratification events.

[13] During these events the temperature of the water close to the surface warms up enough to form its own distinctive layer and limits the amount of oxygen available to this cool deep layer, also known as the hypolimnion.

[14] Over time, oxygen becomes depleted in the hypolimnion leading to a release of nutrients bound up in lake bed sediments.

[15] Already, prolonged periods of stratification have lead to rapid increases in phosphorous in Lake Rotorua.

[16] Nutrients bound in the sediment are largely a result of the same actions that led to degradation of the lakes.

[17] This release of nutrients goes on to drive the growth of algae and cyanobacteria leading to harmful algal blooms. It also feeds the growth of aquatic plants, both native and invasive.

[18] In lakes that feature hydrothermal vents, these seasonal stratification events also trap volcanic gasses beneath the surface of the lakes, which over time can become highly concentrated and increase the risk of limnic eruptions.

[19] Seasonal stratification events are only expected to increase in intensity and duration under climate change conditions.

[20] In addition to these events and their subsequent impacts, issues such as sedimentation and increased severe weather

events will also further degrade the water quality of the Te Arawa Lakes, with dire results for our taonga species.

9. In describing the impacts of climate change associated ecosystemic events on both taonga species and on Te Arawa as a people Ms Wharekura went on to say:[6]

> [21] As descendants of Te Arawa Waka, our ancestors lived off these lakes and the delicacies that dwell below the surface.
>
> [22] But just as out water quality has been degraded, the once great fisheries of our taonga species which called our lakes home have been reduced to a fraction of the populations which once sustained our people.
>
> [23] Our taonga face heavy pressures such as predation from introduced trout and brown bullhead catfish, lack of habitat and degradation of water quality, all of which will become worse under predicted climate change conditions.
>
> [24] These pressures reduce the biodiversity value of the Te Arawa Lakes, limiting the impact of any meaningful action taken up to uplift native biodiversity under Te Ara ki Kōpū; the Te Arawa Climate Change strategy.
>
> [25] Take for example our Kōura, our freshwater crayfish, an icon of Te Arawa that once lined our tables.
>
> [26] Kōura require an optimum temperature of 19 degrees, meaning that during summer they cannot live in the warm shallows of the lake and must venture deeper.
>
> [27] In seasonally stratified lakes, this deep layer is depleted in oxygen and koura begin to suffocate.
>
> [28] When they attempt to return to the upper layer to access oxygen, many are met with a wall of invasive aquatic weeds which blanket our lakes in dense forests.

[6] Ibid at [21] – [35].

[29] Kōura are also heavily predated upon by the invasive brown bullhead catfish, which has reduced koura populations by up to 99% in some areas.

[30] These impacts threaten to reduce the native biodiversity which we are working hard to protect.

[31] Aquatic weeds and pest fish such as catfish are just two of the many pest plant and animal species which impact the Te Arawa Lakes.

[32] Invasive species such as these generally have a greater tolerance to impacts such as temperature increases and low dissolved oxygen levels, allowing them to gain a competitive advantage over our native species under climate change conditions.

[33] In addition to these pre-existing pest species, climate change is likely to facilitate further pest species incursions through increased connectivity between water bodies due to flooding events and increased numbers of lake users.

[34] As these pest species grown in abundance and extent, our taonga species are the first to be impacted through direct predation and loss of habitat.

[35] Coupled with the changes to the lake's ecosystem under climate change conditions, the future looks bleak for the Te Arawa Lakes.

Impacts on marine taonga and associated commercial impacts

10. 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"[7] including that marine taonga are likely to be reduced, with slower maturation, a lighter weight and increased mortality.[8]

11. 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."[9]

12. Mr Rice criticised the Crown's regulatory framework and monitoring systems as "too slow and under-funded in reacting to impacts on wild fisheries"[10] whilst also largely excluding mātauranga Māori.

IMPACTS OF CLIMATE CHANGE ON NGĀTI UEPŌHATU

13. The evidence of Dr Shaun Awatere is that climate change is intensifying impacts of Crown policy, making the Waiapu catchment region ecologically vulnerable.[11] Here we provide an overview of the evidence of Ngāti Uepōhatu witnesses and voices of the community provided in the appendices to brief of evidence of Ms Tui Warmenhoven.[12]

Erosion and Sedimentation

14. The "region is now among the most erosion-prone in Aotearoa and globally, with frequent flooding especially damaging lower floodplains and terraces from Ruatōrea to the river mouth."[13]

15. "If current practices continue, mean aggregate erosion could rise by ~41% by century's end".[14] "Our whenua's being devoured, our riverbanks consumed, our moana left with the aftermath."[15]

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[7] Brief of evidence of Peter Rice 28 April 2025 (Wai 3325, #A057) at [37].
[8] Ibid (Rice) at [38] citing 'State of Knowledge: Climate Change and New Zealand's Seafood Sector', Synthesis Report, Fisheries New Zealand, 2023.
[9] Wai 3325, #A057 at [46].
[10] Ibid at [45].
[11] Speaking notes of Dr Shaun Awatere dated 29 September 2025 (Wai 3325, #A80(b)) at [56].
[12] Index and Appendices to Brief of Evidence of Tui Warmenhoven dated 12 May 2025 (Wai 3325, #A98(a)).
[13] Wai 3325, #A80(b) at [18]; Wai 3325, #A98(a) at p 16.
[14] Ibid at [32].
[15] Wai 3325, #A98(a) at p 1.

16. “The Crown’s historic approach prioritised sediment reduction through exotic forestry rather than Indigenous-attuned erosion mitigation, contributing to a degraded Waiapu Awa, loss and decline of mātauranga Māori, and diminished mauri.”[16] “The upshot is disrupted relationships with whenua, reduced feasibility of alternative land uses (e.g., native afforestation, regenerative agriculture), and heightened exposure to climate-driven extremes.”[17]

17. “Its [sic] estimated that our awa [Waiapu River] carries 35 million tonnes of sediment into the sea from a 1700 square kilometre catchment. That is the highest rate of river sedimentation in the world.”[18]

18. “We’ve got very soft underlying geologies in Tairawhiti [with] a lot of large sediment …[which] is filling the riverbed up, so it’s reducing the capacity of the river. … [This is] pushing the flow into the banks, and on some properties in the lower Waiapu, we are seeing large areas of, what is our best soils really, alluvial flats being captured by the river and that sediment that ends going down the river, if it’s not deposited in the riverbed, its going out to sea and creating some real sediment issues in the moana.”[19]

Threats to Biodiversity and Ecosystems

19. The biodiversity “in the Oronui, a catchment and tributary that flows from the Raukumara into the headwaters of the Tapuaeroa river”, “was in rapid decline. There were no traces of pekapeka (native bat), kiwi or Whio (blue duck).”[20]

20. The Crown’s mismanagement of climate change has “taken a serious toll on the health and wellbeing of the entire Raukumara forest

[16] Wai 3325, #A80(b) at [33].
[17] Ibid at [34].
[18] Wai 3325, #A98(a), p 20.
[19] Ibid, p 64.
[20] Ibid at [50] – [51].

ecosystem."[21] The Crown's conduct has "commenced a rapid downward spiral of ecosystem collapse and biodiversity loss."[22]

21. There is "ongoing loss of keystone species and a decline in mauri as landscapes are repeatedly disturbed."[23] "If you look at the history of the Raukumara, it tells the story of how pest numbers have increased. Introduction of deer and possums, farming, the impact of cyclone Bola, large-scale forestry, decrease in commercial deer operations, to the current Taiao crisis – a silent forest with no birdsong."[24]

22. It will "take many more years and likely decades of both aerial and ground pest control mitigation and measures, to reduce pests to a manageable scale and achieve a shared visions to restore the mana of Raukumara".[25]

23. "We can't dive for our kai anymore. Our seafood beds that sustained us are pirau, they're rotten".[26]

24. "98% of indigenous biodiversity is no longer present in our [Te Tairāwhiti] whenua."[27]

25. "The silt is having a huge impact on our moana, you know it blocks the sunlight in the water columns, so, which means less sunlight hits the seaweeds and stuff. Less seaweed means less habitat for fish, less kai for fish, less refuges for small fish to hide. [There's] a general decline in sea life over the last 10 or 20 years."[28]

26. The warmer temperatures caused by climate change are increasing rates of myrtle rust, which is affecting species like mānuka, pōhutukawa and tōtara.[29]

[21] Ibid at [54].
[22] Ibid at [58].
[23] Wai 3325, #A80(b) at [21].
[24] Wai 3325, #A98(a) at p 3.
[25] Ibid at [68] – [70].
[26] Ibid at p 33.
[27] Ibid at p 47.
[28] Ibid at pp 60–61.
[29] Ibid at p 69-70.

Extreme Weather Events

27. “Cyclone Gabrielle produced catastrophic flooding in Te Tairāwhiti. Modelling cited in the brief indicates rainfall intensities were about 30% higher due to anthropogenic climate change.”[30]

28. “The extreme weather events of Cyclone Gabrielle and Cyclone Hale… [have caused] a story of floods and slips taking away homes and livelihoods, of vital communication lines and transport routes cut, and of the harm that industrial forestry methods (forestry slash) and farming continues to do to our lands, waterways, customary food sources and communities. A story of being repeatedly cut off from the outside world, without power and electricity, and running out of food, medical supplies and other essentials”.[31]

29. Following Cyclone Gabrielle, “many Ngāti Uepōhatu communities in and around Ruatōrea were isolated and under-resourced for extended periods.”[32]

30. Many forests were planted after Cyclone Bola to stabilise the land, but these were managed as production forests. This does not mitigate erosion and left the local communities to deal with almost a century of inappropriate land use, including large scale sedimentation and continual loss of land.[33]

31. Extreme weather events and warmer oceans have caused “big die backs” of local populations of birds and marine mammals.[34]

Threats to Infrastructure

[30] Wai 3325, #A80(b) at [36]–[37].
[31] Amended Brief of Evidence of Tui Warmenhoven in Support of Statement of Claim dated 16 May 2025 (Wai 3325, #A98) at [81]–[83].
[32] Wai 3325, #A80(b) at [38].
[33] Wai 3325, #A98(a) at p 22.
[34] Ibid at p 61.

32. “Where we live in the lower reaches of the Waiapu – we’ll all have to abandon ship and move because all our best soil, the alluvial flats, where we all live are all getting buried over or washed out to sea.”[35]

33. “We had about $1b worth of damage occur to our [Gisborne District Council] region. $700m estimated to be in roading work repair. We got about $400m from government that went for things like woody debris, cleanup, roading investment, flood control, and buy outs from those properties that were identified as category 3. It’s a small part of what we need for our region to truly heal,”[36]

34. “We have a lot of damage to our roads,” and “if we don’t fix it we’re going to hurt the whole coast. … A bridge gets cut off over here, or another big slip comes down in the Mangahauini – we’re all cut off.”[37]

35. “Tokomaru Bay has been isolated since, well, for about four weeks now. At the end of this road is the urupā where my nannies are buried. As you can see that’s where the road used to be a month ago. It’s the first time that I have been here physically, I’ve only seen it in film and pictures. Our poor whānau here, they’re cut off. They’re cut off from us, they’re cut off from the rest of their whānau, they’re cut off from the rest of Tairāwhiti because of this. We did not cause this, but we’re the ones that are suffering for it.”[38]

Whakatipu Rawa (Māori Enterprise)

36. The impacts on whakatipu rawa are economic impacts experienced by Māori, especially concerning Māori economies. Dr Shaun Awatere summarised these impacts as:[39]

> with over two-thirds of Māori businesses in the primary sector and over four-fifths of Māori land hilly-to-mountainous, exposure to landslides, drought, storms, and wildfire is high;

[35] Wai 3325, #A98(a) at pp 9–10.
[36] Ibid at p 31.
[37] Ibid at p 68.
[38] Ibid at p 89.
[39] Wai 3325, #A80(b) at [53(b)].

> Māori forestry, farming, horticulture and fisheries (including substantial Māori quota holdings) face yield, quality, and species-shift risks.

37. Dr Awatere says further that: [40]

> Economically, Crown regulations and market mechanisms have entrenched disadvantages for whenua Māori—accessing capital, securing insurance, or participating in climate finance and emissions trading remains complex or inaccessible.

38. Dr Awatere says that the emissions trading scheme (ETS) has "creat[ed] perverse incentives favouring monoculture, generating negative externalities (including slash), and providing weak support for mixed or regenerative development"[41] and further that the Crown through the ETS has promoted forestry "as an economic pathway for "unproductive" land, entrenching dependence on forestry income while externalising environmental risk."[42]

Impacts on ahurea Māori and tikanga Māori (culture and practices)

39. The impacts on ahurea Māori and tikanga Māori are cultural and spiritual impacts on Māori.

40. Dr Shaun Awatere says, "sea-level rise and displacement risk interrupt transmission of language and lore; marae and urupā on exposed lands face damage; extremes disrupt cultural events; strategies are needed to future-proof cultural infrastructure and protect enduring cultural integrity."[43]

[40] Wai 3325, #A80(b) at [41].
[41] Ibid at [43].
[42] Ibid at [42].
[43] Ibid at [53(d)].

41. Tangata whenua say, “We’ve had four marae within the [Gisborne] region classified as Category 3 in [Cyclone] Gabriel[le], so that means that those marae will end up being relocated somewhere safer.”[44]

HEALTH IMPACTS OF CLIMATE CHANGE ON THE CLAIMANTS

42. The impacts of climate change on the health and wellbeing of Māori such as Ngāti Uepōhatu are summarised by Dr Shaun Awatere: [45]

> 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.

43. Dr Awatere states further that “The vulnerability [of Ngāti Uepōhatu in the Waiapu catchment] is not only ecological but socio-economic: lower household incomes, higher unemployment, and diminished productivity prospects in an already erosion-intense landscape.”[46] Extreme weather events are causing “an increase in chronic mental health issues like never before.”[47]

44. Dr Rhys Jones for Ngāti Uepōhatu states that, health is shaped by social, economic, environmental, political and commercial determinants.[48] Human and ecological wellbeing are deeply interconnected and interdependent.[49]

45. The health impacts of climate change most seriously affect poor, disadvantaged and vulnerable people.[50] Māori are disproportionately

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[44] Wai 3325, #A98(a) at p 60.
[45] Wai 3325, #A80(b) at [53(c)].
[46] Ibid at [31].
[47] Wai 3325, #A98(a) at p 72.
[48] Brief of Evidence of Dr Rhys Jones dated 6 May 2025 (Wai 3325, #A79) at [10].
[49] Wai 3325, #A79 at [11].
[50] Wai 3325, #A79 at [14] – [15].

vulnerable to the health impacts of climate change compared with non-Māori[51] because of existing health inequities.[52]

46. 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.[53]

47. Dr Jones sets out that, within Aotearoa New Zealand, climate change is expected to have the following direct health impacts:[54]

> *Food security and nutrition:*
>
> Increased global food prices, affecting a large number of locally produced and imported food staples in New Zealand, are likely to reduce the ability of some groups to afford a variety of nutritious foods, further compromising nutritional outcomes for those groups.
>
> *Mental health and suicide:*
>
> Increased stress and mental health issues (e.g. farmers with drought, victims of extreme weather). Young people may suffer anxieties about catastrophic climate change, not unlike those experienced by children growing up with the fear of nuclear war.
>
> *Housing and health:*
>
> Healthiness of some housing will be affected by extreme weather, for example, indoor moisture (with heavy rainfall, flooding), high indoor temperatures (during heatwaves in poorly insulated houses). It is also likely that people will arrive in New Zealand from climate-change affected areas. This may put further pressure on availability of low income-larger family

[51] Wai 3325, #A79 at [19].
[52] Ibid at [25].
[53] Ibid at [76].
[54] Ibid at [18].

homes, potentially impacting household overcrowding and the incidence of some infectious diseases.

Injury and illness from extreme weather events (e.g. flooding, storms, landslides, storm surges, drought):

Immediate trauma, and indirect health impacts in weeks to months after extreme events (e.g. mental health problems, exacerbation of pre-existing medical conditions).

Heat-related deaths and illness:

Increases in heat-related deaths and illness, particularly for those with chronic illness and those aged over 65 years. Heat stress for outdoor workers. Winter deaths may decline, but this is uncertain as winter deaths may be influenced by seasonal factors that are unrelated to climate.

Vector-borne and zoonotic (animal to human) disease:

Increased likelihood that mosquito vectors could establish in New Zealand, which could lead to local transmission of mosquito-borne diseases (e.g. dengue, Ross River virus). Also, possible impacts on other vector-borne diseases (e.g. tick-borne) and zoonotic diseases.

Food- and water-borne disease:

Heavy rainfall can lead to contamination of drinking and recreational water/shellfish with faecal pathogens from animals and humans. Both high and low rainfall, and higher temperatures may impact on bacterial and parasitic diseases causing gastroenteritis (e.g. giardiasis, salmonellosis). Dry conditions could affect continuity of household water supplies, impacting diseases influenced by hygiene.

Ultraviolet (UV) radiation:

Climate change may delay recovery of stratospheric ozone. Warmer temperatures could promote increased or decreased

outdoor time, affecting exposure to solar ultraviolent (UV) radiation—with possible impacts on rates of skin cancer, eye disease, and vitamin D levels.

Physical activity:

Warmer temperatures, and either increases or decreases in outdoor time, may impact on levels of recreational physical activity—an important determinant of health. Cardio-respiratory disease from air pollution: High temperatures can exacerbate photo-chemical air pollution with impacts on respiratory disease. Hot, dry conditions increase potential for bush/forest fires, where smoke impacts on people with cardiorespiratory disease.

Allergic diseases, including asthma:

Possible impacts on allergic conditions with changes in plant distribution, flowering, and pollen production. Indoor environment: Climate change may affect the healthiness of indoor environments (e.g. overheating of buildings, changes in indoor air pollutants, flood damage and indoor moisture).

IMPACTS ON TINO RANGATIRATANGA AND PARTNERSHIP

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

49. 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.

50. 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.

51. 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.

52. Ms Wharekura and Fort-D'ath provided evidence of Te Arawa Lakes Trust strategies and inspirational community-based programmes to address climate impacts on Te Arawa Lakes ecosystems which scaffold rangatahi into the intergenerational climate response including:[55]

    a. Weland restoration crew

    b. Cultural monitoring programme

    c. Aquatic weed management

    d. Biosecurity programmes;

    e. Te Arawa Catfish Killas

    f. Te Arawa Tau Kōura programme

53. In support of these initiatives and others like them, Te Urunga o Kea claimants, Lani Kereopa and Nicola Douglas provided in evidence, a 226 synopsis of feedback, engagement and applications that Te Arawa submitted to the Crown and Crown associated bodies on climate change related work programmes and funding initiatives[56] which were declined by the Crown.

54. Their evidence is that "despite actively participating in climate discourse, clearly articulating our needs, priorities, aspirations and proposing practical solutions, Te Urunga o Kea has been consistently sidelined and ignored" by the Crown.[57]

55. In the evidence of Dr Shaun Awatere, "the Crown's devolution of adaptation responsibilities to local government—without commensurate

[55] Wai 3325, #A070, pp 11 – 16.
[56] Joint Brief of Evidence of Lani Kereopa and Nicola Douglas in Support of Statement of Claim 28 April 2025 (Wai 3325, #A058(a)).
[57] Joint Brief of Evidence of Lani Kereopa and Nicola Douglas in Support of Statement of Claim Dated this 28 April 2025 (Wai 3325, #A58) at [35].

funding or Te Tiriti-based accountability—has produced uneven, fragmented responses."[58]

56. In response, Crown witnesses Anne Haira and Gina Rangi stated that MfE: [59]

> Has engaged with Te Urunga o Kea (along with other Te Arawa-affiliated groups such as Te Arawa Lakes Trust) on a range of climate initiatives. This has included meeting with Te Urunga in relation to the development of Te Ara ki Kōpū: Te Arawa Climate Change Strategy and **engaging with submissions** (our emphasis) from Te Urunga on key climate initiatives.

57. Mmes Haira and Rangi do not go further to describe any key climate initiatives or submissions of Te Urunga o Kea that were actually supported by MfE.

58. Crown witnesses Kirstie Knowles and Catherine Wilson stated that the Department of Conservation:

    a. worked in a "collaborative" manner with iwi on the Te Arawa Lakes Trust catfish bycatch improvements. [60]

    b. Worked in "partnership" in the Te Arawa rohe at Maunga Kākaramea, Waikite Valley Geothermal Wetland, Waiotapu wetlands, Tarawera Maunga, Lake Ngahewa wetlands, and Puarenga Stream".[61]

59. However, even Ms Knowles acknowledges the Crown is chronically underfunding biodiversity preservation and protection and undermining climate response:[62]

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[58] Wai 3325, #A80(b) at [47].
[59] Wai 3325 hearing week 6 written questions for Anne Haira and Gina Rangi (Wai 3325, #A118(e)) at p 11.
[60] Responses to Questions in Writing for Kirstie Knowles and Catherine Wilson (Wai 3325, #A124(c)) at [20]–[23].
[61] Responses to Questions in Writing for Kirstie Knowles and Catherine Wilson (Wai 3325, #A124(c)) at [20] – [23].
[62] Wai 3325 Transcript Hearing Week 7, 271:25.

> So, the challenge is enormous, biodiversity alone and then with a climate crisis on top and those additional pressures…we've done our estimates in terms of our funding that we have available and we're currently funded for about 15% of what we have estimated would be needed to get species and ecosystems into a healthy state. But the challenge is obviously not just on the Department. We have our mandate roles and responsibilities but even with all of government funding it will still probably not be enough and that's why our recent Te Mana o te Taiao implementation plan is a call to action for all of us to pull those resources and work together because it's a massive challenge

60. Similarly, Ms Warmenhoven and Dr Shaun Awatere for Ngāti Uepōhatu gave evidence of "The Raukūmara Pae Maunga restoration project [which] was established in 2020, in partnership between Ngāti Porou, Te Whānau a Apanui and Te Papa Atawhai (the Department of Conservation), with the intention of restoring the mana and mauri of te Raukūmara, to thrive, flourish and nurture all who are connected to it.[63]

61. In terms of the shortfalls in Crown commitment to the programme, Dr Awatere went on to explain that:[64]

> In August 2020, $34 million was awarded to the programme for a five year period.[65] On 30 September 2025, the government announced a further $6 million investment into the Raukūmara Pae Maunga over the next three years.[66] However, Ora Barlow, Governance Manager, recently noted

[63] Answers to questions in writing of Dr Shaun Awatere 22 October 2025 at [127] citing Raukūmara Pae Maunga, Vision and Values https://www.raukumara.org.nz/vision-and-values.
[64] Ibid at [143] – [145].
[65] Wai 3325, #A098 at [64].
[66] Beehive, Press Release 'Backing Iwi-led biodiversity protection' https://www.beehive.govt.nz/release/backing-iwi-led-biodiversity-protection.

in an article by Radio New Zealand that this funding was just part of what Raukūmara Pae Maunga needed to continue.[67]

Engagement with local government bodies: land use and development

Ms Kerianne Hancock provided evidence of her experience as a Te Arawa representative working with Rotorua Lakes Council to co-design the Stormwater Management Plan in respect of land development of Pukehangi pae maunga. The object was to address impacts to both the wai that flows through the Pukehāngi Heights development area and downstream environments, including the Utuhina Catchment and Lake Rotorua.[68]

Crown witness Richard Ward, General Manager Local Government Policy, Partnerships and Operations at the Department of Internal Affairs admitted "There is no doubt about it urban development does impact very heavily on stormwater and on the natural environment."[69] Mr Ward also confirmed "that urban development puts further pressure on flood risk."[70]

Despite this, 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.[71]

The Māori Climate Platform

62. As noted above, we adopt our Generic Closing Submissions on Crown Māori engagement. Here we discuss Te Urunga o Kea evidence specific to the Māori Climate Platform.

[67] RNZ, 'Iwi-led convservation project Raukūmara Pae Maunga awarded $6m funding boost' https://www.rnz.co.nz/news/te-manu-korihi/574577/iwi-led-conservation-project-raukumara-pae-maunga-awarded-6m-funding-boost.
[68] Brief of Evidence of Kerri Anne Hancock 28 April 2025 (Wai 3325, #A056) at [18] – [24].
[69] Wai 3325 Transcript Hearing Week 6, 674:25 – 30.
[70] Ibid.
[71] Wai 3325, #A056 at [28].

63. The Crown's failure to engage with and resource Māori in climate policy has particularly manifested in the Crown's obstruction of the Māori Climate Platform of which Ms Kereopa was an appointed member.

64. Ms Kereopa states that the Ministry for the Environment ("MfE") set "unreasonable timelines… for the work of the Interim Ministerial Advisory Committee [which] deliberately obstructed the establishment of the Māori Climate Platform prior to the general election on 14 October 2023."[72]

65. "What could have taken the interim committee two months to achieve was actively stalled by MfE at every opportunity for an entire year which effectively ensured no money would leave government coffers for Māori climate action before the general election took place." Following the election, the Government "disestablished the Māori Climate Platform – Interim Ministerial Advisory Committee and cancelled the establishment of an independent Māori Climate Platform."[73]

66. This disestablishment involved the Crown breaking its promise to provide for Māori tino rangatiratanga in the climate space. Further, "This broken promise occurred despite six years of dedicated time, effort and advocacy by Te Arawa and other iwi to secure this crucial resource and exemplifies the Crown's lip service to Māori climate needs despite overwhelming research evidence stressing the urgent needs of Māori whānau and hapū."[74]

67. Dayle Takitimu gave evidence in this inquiry for the Claimants.[75] Part of her evidence concerned the Crown's conduct during the early days of the Māori Climate Platform and how it systematically undermined genuine Māori climate leadership in the process.

68. She described early Māori engagement with MfE as "a bureaucratic merry-go-round that frustrated progression on substantive work while we waited for MFE processes… [with] a series of shifting goalposts and

[72] Wai 3325, #A58 at [49].
[73] Ibid at [50].
[74] Ibid at [52].
[75] Brief of Evidence of Dayle Takitimu 12 May 2025 (Wai 3325, #A101).

MFE re-casting the project time and time again, much to our frustration."[76]

69. Ms Takitimu further criticised MfE for stalling iwi-facing Māori aspirations for climate action "at every step," and using the Interim Ministerial Advisory Committee "as a 'one stop shop' fly by consultation band aid … always with ridiculous timeframes, limited visibility and on matters that were missing the major crux of iwi dissatisfaction with the NCCRA/NAP process."[77]

70. Ms Takitimu in evidence described the frustrations of the Interim Ministerial Advisory Committee being treated as a tokenistic "Māori feedback box" and recipient of "KPI dumping" where the Committee was forced to merely "accommodate another MFE workstream that needed 'Māori input' – all the while the indigenous worldview work was becoming harder and harder to track."[78] Ms Takitimu further stated that "there was a feeling that the Crown were using a token tick box approach to Treaty partnership, and that we needed to push back and ensure our rights and entitlements vis-a-vis the Treaty relationship were respected."[79]

71. This is illustrative of the Crown's engagement with Māori around climate policy action being limited to where it is convenient for the Crown's economic interests, as opposed to genuinely resourcing tino rangatiratanga in climate action.

72. Crown witnesses Anne Haira and Gina Rangi stated in answer to questions in writing that "MfE also has ongoing relationships/targeted engagement with iwi/Māori groups in the region including Ngāti Porou, Rongowhakaata, and Ngāi Tamanuhiri"[80] and that "one of the primary purposes of the Māori Climate Platform is to provide funding to Māori-led climate resilience projects."[81]

73. However, Ms Takitimu gave evidence that from her experiences, the Māori Climate Platform "could be misconstrued as the Crown co-opting

[76] Wai 3325, #A101 at [44].
[77] Ibid at [46].
[78] Ibid at [77].
[79] Ibid at [20].
[80] Wai 3325, #A118(e) at pp 9–10.
[81] Ibid at p 10.

their Treaty obligations to iwi/hapū to a MCP that they had unilaterally created",[82] and that those involved in the Platform "feared we were being complicit in our own colonisation and being asked to create the vehicle by which we would run over our own peoples' rights (and legitimate voices)."[83]

74. This included the Crown forcing the Committee and later Platform to adopt a structure that was convenient for the Crown, despite being incommensurate with Māori community structures. Specifically, Ms Takitimu stated that "Every step of the way MFE pressured us to have an independent legal entity they could deal with. This, of course, created constitutional issues for us – we knew that creating our own trust entity risked severing our genuine accountability to iwi and Māori, and isolated the trust and MFE relationship in a way we did not think was pono."[84]

75. The Crown's preferred structure of the Platform was further problematic within te ao Māori and under the Crown's Tiriti/Treaty obligations, because "the Māori Climate Panel was never intended to be the total solution for Māori in regard to climate change."[85] "It was never supposed to be a conduit for all Māori climate activities nor was it intended to displace Crown obligations to iwi/hapu under Te Tiriti."[86]

76. Crown witnesses Anna Haira and Gina Rangi stated in this inquiry that the Māori Climate Platform has funded only one project in Te Arawa rohe, being the Tūhourangi Marae Trust solar enablement,[87] despite there being numerous and wide-ranging Māori climate initiatives in the area in need of resourcing.

77. This shows the deficiencies of the Crown's resourcing approach for climate action. Crown witness Gina Rangi agreed that the criteria of the Māori Climate Platform fund were not broad enough to allow all Māori equitable access to it.[88]

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[82] Wai 3325, #A101 at [92].
[83] Ibid at [93].
[84] Ibid at [115].
[85] Ibid at [130].
[86] Ibid at [131].
[87] Wai 3325, #A118(e) at p 11.
[88] Ibid at p 18.

78. As Ms Takitimu stated in evidence, the Māori people involved in the Interim Ministerial Advisory Committee and the later Māori Climate Platform "always respected iwi/hapū rights to advocate for their own solutions and have independent direct relationships with the Crown, as is appropriate under a Tiriti framework."[89] "The Māori Climate Panel was intended to supplement that, and to provide a data platform that could be accessed by all to improve informed decision making."[90]

79. Yet the Crown preferred to marginalise Māori in the Crown's climate policies and failed to create "any substantive plan for climate mitigation, adaptation from a Māori or indigenous lens."[91]

IMPACTS ON MĀTAURANGA MĀORI - UNDUE PRIVILEGING OF ECONOMIC PRIORITIES

80. The Crown's approach is that Crown policies and western ideologies which are the source of the climate change crisis continue to be prioritised by the Crown as the solution. The Claimant's view on this is summarised aptly by Mr John Douglas Macredie:[92]

> 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.

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[89] Wai 3325, #A101 at [133].
[90] Ibid at [134].
[91] Ibid at [174].
[92] 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.

81. Mr Macredie goes on to say:[93]

> [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.

82. Crown witness William Martin agreed that the current government's approach to climate policy is predominantly economic.[94]

83. Crown witness Paula Rawiri agreed that the imposition of Western extractive economic frameworks are often at odds with Māori priorities of kaitiakitanga of biodiversity.[95]

84. Te Arawa witness, Peter Rice advocated for funding to mātauranga Māori based monitoring of climate impacts on marine taonga:[96]

> [44] Specifically, the Crown should increase research funds in assessing the climate impacts for inshore and deepwater species and providing adaptation pathways including for aquaculture.
>
> [47] Proposed changes to the Fisheries Act 1996, are likely to be positive, but Te Arawa would like to see support to fund development on an on-going basis for mātauranga Māori based data collection as part of the monitoring process.

[93] Wai 3325, #A059 at [34].
[94] Wai 3325 Transcript Hearing Week Eight at 65:21–31.
[95] Wai 3325, #4.1.11 at p 247.
[96] Brief of evidence of Peter Rice 28 April 2025 (Wai 3325, #A057) at [44] – [47].

85. Crown witness Kieran Murray agreed that capital spending and research and development are primary drivers of productivity.[97]

86. Crown witness Dr Richard Ford accepted that the ability to harvest kaimoana on a customary and commercial level are fundamental to enduring Māori culture, the wellbeing of Māori communities and are an important sector to the Māori economy.[98]

87. Dr Richard Ford further "consider[ed] that climate change is one of a number of issues that affect the sustainable utilisation of fisheries and impact on the rights and interests of Māori [including regarding kaimoana]. Research and management actions on all these issues need to be considered and prioritised to make best use of available resources."[99]

88. Crown witness Daniel Bolger agreed "that in many cases observations by Māori communities and kaitiaki are a reputable source of information relating to the health of marine life in their local area and in some circumstances may be the best available information to make decisions."[100]

89. He further stated that "the changes to local marine communities are observed at an early stage by … local communities including Māori".[101]

90. Yet, funding for climate adaptation work based in mātauranga Māori has not been comparable to the funding available for work based in western science.

91. Professor Sandra Morrison gave very specific quantitative evidence in respect of the inequities faced by Mātauranga-centric climate adaptation initiatives:[102]

> [25] The budget for the Deep South Challenge funding was up to $51.1 million over 10 years. The Vision Mātauranga stream

[97] Responses to Questions in Writing for Kieran Murray (Wai 3325, #A127(e)) at [28].
[98] Responses to Questions in Writing for Dr Richard Ford (Wai 3325, #138(c)) at [6].
[99] Wai 3325, #138(c) at [12].
[100] Responses to Questions in Writing for Daniel Bolger (Wai 3325, #A139(d)) at [8].
[101] Wai 3325, #A139(d) at [10].
[102] Brief of evidence of Professor Sandra Lee Morrison 28 April 2025 (Wai 3325, #A055) at [25] – [28].

and Māori domain had a budget of only 10% of the whole budget.

[26] In 2021, our Engagement Team, led by our Climate Change Knowledge Broker conducted a "Landscape Mapping" exercise to review and understand the broad split of research funding within the climate change research space.

[27] The Landscape Mapping exercise was a pilot project with some data limitations as it became clear that many research institutions and government departments did not keep the type of information that we sought regarding where climate change research funding was being directed.[103]

[28] Despite these data limitations, a preliminery finding of the Landscape Mapping was that Māori climate research (in particular "by Māori for Māori") has been and is being underfunded in comparison with other research disciplines.[104] Expressly:

a. Of the funding information we were able to collate, only $22m of $329m from 2010 to 2021 was invested in "by Māori for Māori" projects, quantifying the lack of equity in this aspect of the science system.[105]

b. As I noted above at paragraph 25, the budget for the DSC funding was up to $51.1 million over 10 years. The Vision Mātauranga stream and Māori domain had a budget of only 10% of the whole budget.

92. Crown witness William Martin agreed that Māori participation (including leadership and participation within projects) is an important component

[103] The Deep South Challenge: Changing with Our Climate Submission to Te Ara Paerangi Future Pathways Green Paper (March 2022), p 1.
[104] Submission by the Vision Mātauranga Engagement Team, Deep South Challenge: Changing with our Climate to Te Ara Paerangi Future Pathways green paper above n 1, p 3.
[105] The Deep South Challenge: Changing with Our Climate Submission to Te Ara Paerangi Future Pathways Green Paper above n 3, p 1.

of the Crown's obligations to Māori regarding Crown-funded research, science and innovation.[106]

93. He also agreed that Māori remain underrepresented in many areas of the science sector, despite the Crown's Vision Mātauranga project existing for approximately 20 years.[107]

94. This is underrepresentation is a critical factor in the inequity faced by Māori in climate adaptation as "research into climate impacts is … important to informing decisions that support the sustainable utilisation of kaimoana", as accepted by Crown witnesses Daniel Bolger and Dr Richard Ford.[108]

95. Additionally, inequitable research capability may prejudice the ability of Māori communities to respond to climate risk, as agreed to by Mr Martin.[109] As further agreed by him, under-investment in Māori-led climate adaptation research may impact the active protection of Māori communities.[110]

96. Despite the Crown's awareness, as Daniel Bolger stated, "Fisheries New Zealand does not have funding set aside for distribution to Māori communities or any other party for adaptation projects" although it does have a customary research fund supporting $200,000 worth of research per annum.[111]

97. Crown witness Paula Rawiri agreed that Treaty-compliant climate finance and policy from the Crown would mandate co-governance or partnership approaches in regional adaptation frameworks, in a manner that supports local governments along with hapū and iwi.[112] This is because, as stated by Crown witnesses Kirstie Knowles and Catherine Wilson, "Iwi and hapū themselves are best placed to determine what is needed to realise their priorities".[113]

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[106] Transcript Hearing Week Eight of the Climate Change priority inquiry held Monday 25 May 2026 – Friday 29 May 2026 at 71:10.
[107] Ibid.
[108] Wai 3325, #A139(d) at [12]; and Wai 3325, #138(c) at [10].
[109] Ibid.
[110] Ibid.
[111] Wai 3325, #A139(d) at [27] – [28].
[112] Wai 3325, #4.1.11 at p 250.
[113] Wai 3325, #A124(c) at [28].

98. Ms Rawiri further agreed that access to funding for Māori-led adaptation is restricted and inadequate,[114] and that more support is needed for Māori-led solutions grounded in mātauranga, tikanga and kaitiakitanga.[115] Specifically, she agreed that there is a need to facilitate conditions under which tangata whenua can determine their own priorities in relation to climate adaptation and natural hazard response and recovery and give effect to those priorities in ways that work for them.[116]

99. Overall Ms Rawiri agreed that te Puni Kōkiri funding for hapū may not be adequate to meet their demand or needs,[117] and that the Crown should do more to resource Māori emergency response capability.[118]

CROWN CLIMATE INERTIA OR INDIFFERENCE

100. Dr Jones for Ngāti Uepōhatu points out that the lack of urgent, substantial and progressive climate action will disproportionately affect Māori.[119]

101. 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”.[120]

102. Despite this, the Crown has failed to take climate action and has even reversed some climate policies, exacerbating Māori health inequities.[121]

103. Dr Jones outlined the wide foundation of international human rights standards that establish and reinforce the right to health for Māori.[122] These international obligations require the Crown to actively improve Māori health and take all possible steps to limit the health impacts of

[114] Wai 3325, #4.1.11 at p 252.
[115] Ibid at p 253.
[116] Ibid.
[117] Ibid at p 250.
[118] Ibid at p 248.
[119] Wai 3325, #A79 at [95]–[97].
[120] Ibid at [23].
[121] Ibid at [26].
[122] Ibid at [38]–[47].

climate change on Māori.[123] We note that Dr Jones evidence is supported by our generic closing submissions on climate change and international law which are adopted.

104. These international obligations specifically require the Crown to:

    a. protect Māori from climate-related destruction of taonga that support positive health outcomes;[124]

    b. undertake comprehensive assessment of climate risks for Māori communities with correspondent adaptation measures;[125]

    c. fully engage iwi in decision-making on issues that affect their taonga such as health;[126] and

    d. consider projected climate change impacts in future health system design, particularly considering current inequities for Māori in access to, acceptability of, and quality of care.[127]

105. Dr Jones identifies the "colonial racism" operating in the Crown's climate policy, which creates unjust outcomes for Māori.[128] Since "climate injustice is rooted in colonialism, climate justice cannot be achieved within existing colonial political systems",[129] as they are grounded "in anthropocentric, patriarchal, exploitative and extractive values and practices."[130]

106. Climate justice "is only attainable through reform of governance and constitutional arrangements to enable the full expression of Indigenous rights."[131] This does not, however, alleviate the Crown of its Tiriti/Treaty responsibilities to actively protect the health of Māori until full constitutional transformation is achieved. Rather, "interim measures [can] advance [albeit not achieve] justice within the constraints of

[123] Wai 3325, #A79 at [49] – [52].
[124] Ibid at [62].
[125] Ibid at [63].
[126] Ibid at [68].
[127] Ibid at [72] – [74].
[128] Ibid at [35].
[129] Ibid at [126].
[130] Ibid at [139].
[131] Ibid at [127].

prevailing governance structures and social, political and legal systems."[132]

BREACHES OF THE PRINCIPLES OF THE TREATY OF WAITANGI

Breach of Rangatiratanga

107. 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.

108. The Crown has further failed to enable the exercise of rangatiratanga by:

    e) Failing to adopt a legislative framework and institutional arrangements for adaptation including a range of decision-making and funding models, established by central and local government in partnership with iwi/Māori, so that iwi/Māori can plan, carry out and participate in adaptation processes in line with Māori tikanga and whakaaro tau (priorities).[133]

    f) Failing to ensure that iwi/Māori can plan for and carry out adaptation action in accordance with obligations of kaitiakitanga.[134]

109. In the context of climate change, tino rangatiratanga includes the right for tangata whenua to continue traditional practices in the face of an ever-changing environment.

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[132] Wai 3325, #A79 at [128].
[133] *Progress report: National Adaptation Plan - Assessing progress on the implementation and effectiveness of the Government's first national adaptation plan* He Pou a Rangi Climate Change Commission above n 150, p 17.
[134] Ibid.

110. As such the denial of the exercise of rangatiratanga when Māori are facing an existential crisis such as climate change puts at risk the enduring sacred relationship that whānau, hapu and iwi have with their traditional territories and the natural environment. Autonomy and control cannot be exercised in respect of taonga and whenua if those taonga and that whenua are eroded and cease to exist.[135]

111. It also fractures the spiritual integrity of the relationship which in turn maintains and protects, according to tikanga and traditional mātauranga, the holistic manner in which the whānau, hapu and iwi live in balance with their rohe, and by which the balance between the hapū, the natural world and the spiritual realm is maintained for the purpose of holistic wellbeing.

112. In breach of the principle of partnership the Crown is failing to adequately invest in mahi ngātahi – deep democracy to address the risks posed by climate change to Māori.[136]

113. This includes failing to adequately partner at a national level with Māori in the design and development of climate legislation and policy and at the international level by failing to empower Māori to effectively participate in decisions that directly affect them pursuant to both Te Tiriti and the UNDRIP.

114. This is reinforced within the Rauora Framework which the Crown through their own agents have acknowledged and which states: [137]

    g) Whilst the Crown may have their national level objectives for climate policy, so do hapu/iwi. There is an ability to align on agreed aspirations/commitments, standards, definitions, scope, and negotiate the prioritisation of particular cultural imperatives.

    h) It is possible for all Treaty partners to jointly commit to a holistic, indigenously inclusive approach to creating a world class national adaptation framework that empowers, resources and fosters local

[135] Ibid at [20].
[136] *Brief summary document: insight to the Rauora Indigenous Worldview Framework for the National Climate Change Adaptation Plan* Ihirangi above n 113, p 11.
[137] Ibid at [26].

design, delivery and resilience – at its essence it is a cultural shift model.

i) The requirement for the Crown to partner with Māori in the development and implementation of policy is especially relevant where Māori are expressly seeking an effective role in this process. The requirement is heightened where disparities in outcomes exist.

115. The Crown are in further breach of the principle of partnership by failing to enable Māori communities to make climate decisions which are tikanga based, specific to their needs, and equipped with science, technology, industry, research, workforce, and mātauranga.

116. The actions, investment and ability to meet local level needs depends on the ability for the Treaty partnership to flex to recognise community diversity, hapu/iwi relationship with their territories, the primacy of the indigenous flora and fauna estate, and its dependency on mātauranga Māori for restoration/survival.[138]

Breach of Active Protection

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

118. 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:

[138] Ibid, p 12.

j) 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.

k) accelerate ecological restoration and protection within a Tiriti measurement frame that prioritises indigenous estate; the progeny of Ranginui and Papatuanuku.[139]

l) 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."[140]

Breach of the principle of equity

119. 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.

120. The principle of equity, or the obligation of the Crown to act fairly as between Māori and non-Māori, derives from the British citizenship rights granted to Māori by article three of the Treaty.

121. Like the duty of active protection, it can require positive intervention by the Crown to address disparities. As stated by the Tribunal in Stage 1 of the Health Kaupapa Inquiry:[141]

> A further condition of the Treaty relationship is the Crown's duty to act with fairness and justice to all citizens. Article 3 of the Treaty confirms that Māori have all the rights and privileges of British subjects.[142] The Tribunal has found that this article not only guarantees Māori freedom from

[139] *Brief summary document: insight to the Rauora Indigenous Worldview Framework for the National Climate Change Adaptation Plan* Ihirangi above n 113, p 9.
[140] Ibid, p 10.
[141] Waitangi Tribunal *Hauora Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575, 2023), p 33.
[142] Treaty of Waitangi Act 1975, sch 1, art 3.

> discrimination but also obliges the Crown to positively promote equity.[143] It is through article 3 that Māori, along with all other citizens, are placed under the protection of the Crown and are therefore assured equitable treatment from the Crown to ensure fairness and justice with other citizens.

122. The essential point of the principle of equity is that, at the time of the signing of the Treaty, none of the basic rights and privileges of British subjects were limited by race.

123. Where the interests of settlers were prioritised to the disadvantage of Māori, the principle of equity required active measures to restore the balance.

124. A further cornerstone of the principle of equity is the principle of Mutual Benefit or Mutual Advantage. In the Mangonui Sewerage Report, the Tribunal notes:[144]

> The basic concept was that a place could be made for two people of vastly different cultures, of mutual advantage, and where the rights, values and needs of neither would necessarily be subsumed…It is obvious however that to achieve the objective, compromises on both sides are required and a balance of interests must be maintained.

125. The underlying premise is that both partners signed the Treaty expecting to benefit from the arrangement. This principle requires that "the needs of both cultures must be provided for and compromise may be needed in some cases to achieve this objective".[145]

126. Though climate change may be affecting all New Zealanders, the impacts of climate change on New Zealanders are not being felt

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[143] Waitangi Tribunal, *The Napier Hospital and Health Services Report*, pp 48, 62 ; Waitangi Tribunal, *Report on the Crown's Foreshore and Seabed Policy* (Wellington : Legislation Direct, 2004), p 133 ; Waitangi Tribunal, *The Mohaka ki Ahuriri Report* (Wellington : Legislation Direct, 2004), p 27 ; Waitangi Tribunal, *The Te Arawa Mandate Report* (Wellington : Legislation Direct, 2004), p 94 ; Waitangi Tribunal, *The Offender Assessment Policies Report* (Wellington : Legislation Direct, 2005), p 13 ; Waitangi Tribunal, *He Maunga Rongo*, vol 2, p 428.

[144] Waitangi Tribunal *Report of the Waitangi Tribunal on the Mangonui Sewerage Claim* (Wai 17, 1988) at 4.

[145] Waitangi Tribunal*, Ngāwhā Geothermal Resource Report* (Wai 304, 1993) at 137.

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.

127. 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.

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

129. 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

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

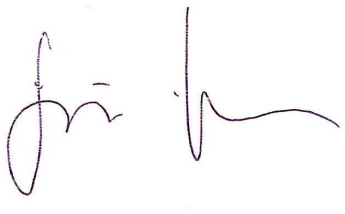
    (a) That the Crown has and continues to breach its obligations of active protection towards the Claimants and Māori generally in responding to the current and impending devastating impacts of climate change on their communities.

    (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