



Kiwis in Climate

Submission to the Committee Secretariat on the Principles of the Treaty of Waitangi Bill

Image by NASA Visible Earth

Introduction to Kiwis in Climate

Kiwis in Climate (“KiC”) is a global professional network of over 450 New Zealanders working in climate and sustainability. Our members include executive leaders and experts from a range of fields including business, non-profit, science, law, engineering, and policy, and are spread across the world from Auckland and Wellington to London and New York.

Our kaupapa is to share knowledge and insights that accelerate science-backed solutions for mitigating and adapting to climate change.

The diverse make-up of KiC and cross-pollination of ideas gives us a unique view of Aotearoa New Zealand’s progress on climate change on the global stage as well as the opportunities and risks to Aotearoa New Zealand from collective global action (or inaction) on climate change. Collective views are informed by world leading practice by Kiwis who are on the ground developing the solutions. As we represent interests from a range of fields, our recommendations are balanced and considered; we want to see a world where communities, businesses and the economy thrive - but not at the expense of our only life-supporting planet.

Our submission

KiC strongly **opposes** the Treaty of Waitangi Principles Bill (“Bill”) which seeks to re-write the principles of partnership, protection, participation, and potential. We understand that the current principles (as enshrined in the Treaty of Waitangi Act 1975) are the strongest tool to ensure the Crown engages as an equitable Treaty partner and upholds commitments under Te Tiriti o Waitangi. We also believe that any changes to the principles would undermine Aotearoa New Zealand’s climate adaptation efforts and its ability to undertake a ‘just transition’ with Māori sovereignty and Te Ao Māori at its heart.

As a global professional network of New Zealanders, we have a vested interest in the future of Aotearoa New Zealand and Crown-Māori relations. Whether that be protecting Aotearoa New Zealand’s unique cultural identity and continuing on the pathway of addressing historical inequities and improving outcomes for our Indigenous Peoples; ensuring our natural environment is protected from corporate exploitation and harm; or ensuring Aotearoa New Zealand is transitioning to a net zero economy in a way that centres Te Aō Māori and our natural environment.

To highlight what has been said by many Māori, Pākehā and diverse communities in Aotearoa, ***“what is good for Māori, is good for everyone.”***

The following detail expresses our network’s concerns on the Bill’s democratic legitimacy, the risks it poses to the economic and environmental future of Aotearoa New Zealand, and its potential to disrupt efforts towards an equitable climate transition; jeopardising human rights and international conventions.

Argument 1:

The Bill threatens equitable outcomes and opportunities for Māori.

The Bill undermines the principles that have been established through The Treaty of Waitangi Act 1975 and the Waitangi Tribunal over the last 50 years. By weakening the principles of partnership, participation, and protection derived from Te Tiriti o Waitangi, the Bill diminishes the mechanisms that ensure Māori have a meaningful role in decision-making processes. This is a breach of Te Tiriti o Waitangi, which guaranteed Māori tino rangatiratanga - full rights of chieftainship over their lands, kāinga and taonga. Since the signing of Te Tiriti o Waitangi, Māori have had to fight hard for the rights to protect their land and natural environment, as well as for their identity, culture, and way of life. The Bill seeks to undermine the progress that has been made, and threatens the rights of Māori as tangata whenua and their ability to exercise tino rangatiratanga. In doing so, the Bill seeks to further entrench a power imbalance where Māori are subordinated to the authority of the Crown.

This is unjust and unethical; it denies Māori their rightful place as equals in the governance of Aotearoa New Zealand and instead continues the pattern of historical injustice and dispossession.

Argument 2:

The Bill threatens environmental policy and protection within Aotearoa New Zealand.

Environmental policy and action is deeply entwined with Te Tiriti o Waitangi. Te Tiriti o Waitangi has acted as a safeguard against environmental exploitation and destruction and weakening the principles of Te Tiriti o Waitangi, as proposed by the Bill, poses a risk to environmental policy and protection in New Zealand.

Māori have played a massive role in environmental policy in New Zealand. This environmental action was partly enabled by Te Tiriti o Waitangi. For example, protection of the Whanganui River has been achieved by legally recognising the river as a person under the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. This Act is part of a settlement between the Whanganui Iwi and the New Zealand government that was negotiated under Te Tiriti o Waitangi.

The Resource Management Act 1991 specifies the need to take into account the principles of Te Tiriti o Waitangi, and the Conservation Act 1987 states that the act must give effect to the principles of Te Tiriti o Waitangi. The Environmental Act 1986 outlines the importance of partnership and

participation of Māori in environmentalism. The Climate Change Act 2019 specifies the Crown's responsibility to give effect to the principles of Te Tiriti o Waitangi.

The Bill would diminish Te Tiriti o Waitangi obligations which in turn could lead to greater exploitation of natural resources, threatening environmental protection in Aotearoa New Zealand. As expressed by the International Union for Conservation of Nature, ***“we cannot achieve conservation and wellbeing for people and planet unless we respect and value the rights of Indigenous Peoples”*** (International Union for Conservation of Nature, 2019). Furthermore, Indigenous Peoples safeguard as much as 80% of the world's remaining forest biodiversity, while they are less than 5% of the world's population (UN Environmental Programme, 2018).

This holds true in New Zealand as there are countless examples of Māori protecting and preserving the natural environment as kaitiaki (examples include Whanganui River, Waikato River, and Te Urewera). This leadership by Māori for environmental protection has benefitted Aotearoa as a whole and will continue to do so for future generations. Honouring Te Tiriti will enable New Zealand to continue to protect our land that is special to us, ensuring it is abundant with biodiversity, and protecting waterways to keep our rivers clean.

Argument 3:

The Bill jeopardises climate mitigation in Aotearoa New Zealand.

Failing to uphold the principles of Te Tiriti o Waitangi jeopardises our ability to meet our international climate mitigation targets specified in the Nationally Determined Contribution under the Paris Agreement. Tino rangatiratanga is fundamental for climate action in New Zealand. The Climate Change Commission (2021) acknowledged this by reporting that Māori need to be able to exercise tino rangatiratanga and mana motuhake in the transition to a low-emission economy. Māori are already creating and implementing innovative climate solutions.

Honouring Te Tiriti o Waitangi and tino rangatiratanga supports more solutions to be delivered throughout Aotearoa, helping Aotearoa to achieve its climate targets. Te ao Māori and Mātauranga Māori are taonga in Aotearoa. The Māori worldview and traditional knowledge is extremely important in their own right, but also for climate mitigation. Resourcing tino rangatiratanga and Mātauranga Māori as well as valuing Te Reo Māori, will be vital for enabling more Māori-led and Mātauranga Māori-based climate solutions in Aotearoa.

Argument 4:

The bill threatens Aotearoa New Zealand's efforts towards a just climate adaptation.

Aotearoa New Zealand is already experiencing the detrimental effects of climatic events due to global warming. Aotearoa's First National Climate Adaptation Plan (2022) states that Māori as tangata whenua are particularly sensitive to climate impacts on the natural environment and will be disproportionately affected due to social, economic, cultural, and spiritual linkages to land and

environment. The National Climate Change Risk Assessment (2020) also highlights this, noting that Māori are particularly at risk of climate change exacerbating existing inequities and creating new and additional inequities due to differential distribution of climate change impacts. It also states that Māori face risks around democratic decision-making and breach of Treaty obligations. Upholding Te Tiriti principles as they stand will be central to ensuring the climate impacts faced by Māori are mitigated.

Aotearoa New Zealand's First National Adaptation Plan (2022) further stresses the importance of upholding the principles of Te Tiriti o Waitangi as a central aspect of the Government's long-term adaptation strategy. It highlights the need to develop adaptation responses in partnership with Māori - including elevating te ao Māori and Mātauranga Māori in the adaptation process. The Treaty Principles Bill risks de-centralising Māori partnership in climate adaptation efforts and therefore exacerbating inequities and risks caused by climate change.

On the world stage, Indigenous leadership in climate adaptation strategies is further highlighted by the United Nations Climate Justice Global Alliance work and global work advocating for climate justice. Much of this work points to the major opportunities in embedding Indigenous-led adaptation frameworks and taking a 'climate justice' approach to net zero transition strategies. Intertwining climate change mitigation and adaptation efforts with te ao Māori perspectives and sovereignty initiatives (through upholding Te Tiriti and resourcing tino rangatiratanga) has the potential to improve outcomes across the board.

Summary and recommendations

KiC is a broad membership made up of climate professionals across the globe, all with a vested interest in the future of Aotearoa New Zealand. We acknowledge that the deadline for this submission has been inconvenient for many New Zealanders and has potentially disrupted abilities to provide input.

As a group, we strongly oppose the Bill and recommend that it be rejected in its entirety.

To ensure a just and equitable climate future for all, we support meaningful dialogue on constitutional transformation that recognises Māori as tangata whenua and actively upholds tino rangatiratanga in line with the recommendations of Matike Mai Aotearoa.

Should you have any questions about our submission, please get in contact.

kiwisinclimate@gmail.com

www.kiwisinclimate.org
