

BEFORE THE EXPERT PANEL

UNDER the Fast-track Approvals Act 2024

IN THE MATTER OF the Taranaki VTM Project

**STATEMENT OF TURAMA HAWIRA ON BEHALF OF TE KAAHUI O RAURU
TRUST**

6 OCTOBER 2025

Ko Tupua Kawa

It is the principle of law

Ko Tawhito Kawa

It is the principle of ancient law

Ko te matoe o te Rangi

In the openness of Space

Tenei hoki ra te taketake rongo

For this is the taproot of equilibrium and peace

Ma Ruawhatuma

Hail the deity of Sensory Perception

Whakaeketia te moana waiwai

Afloat on the ocean vastness

Te moana tuatua

Turbulent oceans

Te moana oruoru

Rough, surging oceans

Koe whakatupuria te kawa ora.

To substantiate the principle of law and life

He kawa kei te apiti o te Rangi

The principle of law is expressed by: universal law and radiant sun in great space

Kei te matata o te Rangi

Universal law and radiant sun in the great gap of space

Kei te matoe o te Rangi

Universal law and radiant sun in the opening of space

Kei te piere o te Rangi

Universal law and radiant sun in the emptiness of space

Kei te whetuki o te Rangi

Universal law and radiant sun in the thumping noise of space

Kei te haruru o te Rangi

Universal law and radiant sun in the reverberation of space

Kei te ngateri o te Rangi

Universal law and radiant sun in the splitting vibrating space

Kei te ngawha o te Rangi.

Universal law and radiant sun in the split shattering space

He kawa puwai Nuku

The law of the earth bound waters

Puwai Ehu

The law of nurturing accessible waters

Puwai Rangipapa

The law of radiant sun and earth influence

Puwai Rongo ma Tane

The law of balance of life on land and in the forests

Puwai Tahu

The law of water of food and life

Puwai Ari

The law of the moons effects on the ocean

Puwai Oko

The law of the effect of tidal waters at river mouths

Puwai Tangaroa

The law of all life in the oceans

Puwai Motuwhariki.

The law of all life on the sacred mat of life

Tiki Hawaiki

The birth of Tiki Hawaiki (Humanity)

Tane Ruanuku

Tane dispenser of the seed on earth

Tane Tokorangi

Tane of life, knowledge, and death

Te Pipi

The seeping water

Te Wariwari

Water in abundance

Te Ataata

Reflecting all of life's forms

Tama Hikurangi ko te putanga o

Human life form from the source

Te tauira ki te whai ao, ki te ao marama.

That becomes the reality of life and brought into this world of light, knowledge, understanding, wisdom and enlightenment.

Takina te Kawa.

Recite the universal law

Ko te Kawa na wai?

The principle of life and law belonging to whom?

Ko te kawa na Tangaroa.

The principle of life and law of the Ocean Deity.

Ka pipi, ka whana, ka whai ake

It has seeped up from beneath his feet

I raro i ona taranga tu ki te Rangi.

Emanating to his origins in the heavens

Eke panuku, eke Tangaroa.

Rise up, rise up Tangaroa

Haramai te toki!

Welcome to the principle of law and life

Haumia, hui e,

Secured and legitimately confirmed.

Taiki e.

Ready for the tide of time, place and need.

Background

1. My name is Turama Hawira. I provide this traditional customary evidence statement on behalf of Ngaa Rauru Kiitahi.
2. This statement is filed in respect of the Trans-Tasman Resources Ltd (the **Applicant**) project listing application for the Taranaki VTM Project dated 23 April 2025 (the **Application**). The Application is presently before this expert panel (the **Panel**) for approval in accordance with the Fast-Track process established under the Fast-track Approvals Act 2024 (the **Act**).

Introduction

3. The worldview of Aotea Whare Wananga, underpins the 'environmental familial belief set', that is concentric within, and responsible for, the tikanga or tribal customary laws, that legitimize and justify human behaviour.
4. In short, the indigenous worldview of Aotea, draws the absolute line in the sand between 'acceptable behaviour' and 'transgression with intent'.
5. My submission today is, therefore, to define the line in the sand according to the 'Kawa' and 'Tikanga' of Aotea peoples, and, secondly, highlight how the intended activities of Trans-Tasman Resources (**TTR**) transgress the customary tribal laws of the gathered Iwi, and are detrimental not only to us as tangata whenua, but all peoples of Aotearoa, transcending race, creed and colour.
6. I also **attach** to this statement my previous statement to the Environmental Protection Authority entitled "He Korero whakahe i te tono na Trans Tasman Resources Ltd" dated 20 January 2017 and its English translation and stand by the contents of that statement for the purposes of this application.

The Maori Worldview

7. Maori, like other indigenous peoples, are increasingly involved in attempts to provide appropriate cultural responses to environmental issues. These include

efforts to translate and incorporate isolated parts of their language and traditional practices into the prevailing culture. Major problems with this process are the incommensurability of such attempts whereby the real meaning of a custom or a word is frequently debased and divorced from its traditional cultural setting, so that its proper function is impaired.¹ Added to this is the ignorance on the part of many concerning the conceptual worldview, traditional beliefs and practices of the Maori – or, if knowing these things, a lack of respect for their validity. On the other hand there are some, especially among the modern conservation movement, who have a more empathetic attitude towards indigenous ecological knowledge, but who thereby assume that their environmental ethics and those of indigenous peoples are motivated by similar philosophies and share similar aims. Not only is this assumption often wrong, it may also contribute to the inability of the western conservation movement to properly serve the needs of, and to fully empower, indigenous conservation aspirations as guaranteed to Maori under the Treaty of Waitangi.²

8. The need for a Maori perspective on conservation to be seen and heard in the scientific literature is indeed important. There are, however, considerable problems associated with this endeavour, which relate in large part to the training and methodology of western trained scientists that permit only their perceived objective and testable explanations of natural phenomena. These constraints, combined with an unfamiliarity with other cultural perspectives, make our task of communication a difficult one.
9. The land and the environment in which people live become the foundation of their view of the world, the centre of their universe and the basis of their identity as citizens or members of a social unit.³
10. Chesterton states:

“The most important theory about a man is his view of the universe – his philosophy. Philosophy is significant for the whole of society for it provides a frame of reference and a world outlook which gives meaning to life, sets

¹ M. Roberts, W. Norman, N. Minhinick, D. Wihongi and C. Kirkwood “Kaitiakitanga: Maori Perspectives on conversation” (1995) 2 Pac. Conserv. Biol. 7-20.

² Ibid.

³ Hirini Moko Mead *Tikanga Māori: Living by Māori Values* (Huia Publishers, Wellington, 2003), p 272.

standards of conduct and forms the basis of political convictions. In other words provides values.”⁴

11. Broughton writes:

“Kotahi ano te tupuna o te tangata Maori, ko Papatuanuku e takoto nei, ko Ranginui e tu iho nei.”

There is but one ancestor of the Maori people, Papatuanuku lying here, Ranginui standing above.⁵

12. Myth and legend in the Maori cultural context are neither fables embodying primitive faith in the supernatural nor marvellous fireside stories of ancient times. They were deliberate constructs employed by ancient seers and sages to encapsulate and condense into easily assimilated forms their view of the world, of ultimate reality and the relationship between Creator, the universe and man.⁶

13. This indigenous paradigm is further illustrated by Ruka Broughton, acknowledged tohunga of the Aotea people.

“He tokopae tonu ra nga Atua i puta mai i a Ranginui raua ko Papa. Ko te mea nui hei mau mahara, ko nga Atua, kaore hoki i rite ki ta te Pakeha matakitaki atu. He tupuna.”⁷

14. There are indeed multiple Gods that evolve from Rangi and Papa. The important thing to remember, these Gods are dissimilar to what Pakeha observe. They are (our) ancestors.

15. Several important points emerge from the Maori World view.

- The universe is holistic and dynamic; there is within it an ongoing process of continuous creation and recreation.

⁴ W. James *Pragmatism: A new name for some old ways of thinking* (Longmans, Green and Co, New York, USA, 1907).

⁵ Te Rangikaheke, tohunga of Te Arawa. A whakatauki or proverbial saying of Te Rangikaheke of Te Arawa (in G. Grey *Ko nga mahinga o nga tupuna Maori* (1992), p 1).

⁶ Ibid, citing Marsden and Henare M “Kaitiakitanga: A definitive introduction to the holistic world view of the Maori” (1992), p 3.

⁷ R. Broughton *Nga Mahi Whakaari na Titokowaru* (first ed, Te Herenga Waka University Press, Wellington, 1993), p 207.

- Everything in the universe, inanimate and animate, has its own whakapapa, and all things are ultimately linked via the gods to Rangi and Papa.
- There is no distinction or break in this cosmogony, and hence in the whakapapa between supernatural and natural. Both are part of a unified whole.
- The bond this creates between humans and the rest of the physical world is both immutable and inseverable.
- Every Maori shares this descent from the gods, goddesses, guardians and superhumans.

Maori and Land

16. Once one has some understanding of Maori cosmogony one can then begin to understand the nature of the traditional relationship between Maori and Land (inclusive of foreshore and seabed). As Marsden and Henare explain it: "Just as the foetus is nurtured in the mother's womb and after the baby's birth upon her breast. Man is thus an integral part of the natural order and recipient of her bounty. He is her son and therefore as every son has social obligations to fulfil towards his parents, sibling and other members of the whanau (family), so has man an obligation to mother earth and her whanau to promote their welfare and good."⁸
17. An important theme expressed in each account of this worldview is that humans are a part of nature; they belong with all other things, animate and inanimate, to what Yoon has called the environmental family. This Maori environmental epistemology sharply contrasts with the Judeo-Christian view, in which because man is created in God's image, s/he is superior to and given dominion over the rest of creation, thus establishing a man: nature dichotomy. As White expresses it, "God planned all of this (creation) explicitly for man's benefit and rule: no item in the physical creation had any purpose save to serve man's purposes. Christianity is the most anthropocentric religion the world has seen. It not only established a dualism of man and nature but by

⁸ Marsden and Henare M "Kaitiakitanga: A definitive introduction to the holistic world view of the Maori" (1992), p 14.

destroying pagan animism, Christianity made it possible to exploit nature in a mood of indifference to the feelings of natural objects.”⁹

18. Glacken suggests that this attitude persists and lies at the heart of the Western conservation paradigm.¹⁰
19. The relationship between Maori and land provides the deepest expression of what can be termed ‘environmental whanaungatanga’ or a ‘familial relationship’ with other components of the environment.

Kaitiaki and Kaitiakitanga

20. Kaitiaki is a word derived from the verb ‘tiaki’ (to guard; to protect; to keep; to watch for; to wait for) – with the prefix ‘kai’ denoting the doer of the action. Hence a ‘kaitiaki’ can be translated as a guardian, and ‘kaitiakitanga’ the act of guardianship. Relationships among the various offspring of Papatuanuku were governed in traditional Maori society by complex ‘laws’ or tribal tikanga (culturally correct customary practices). Compliance with these rules, based upon respect and reciprocity, were enforced primarily by fear of divine retribution, or failing that, by human acts of muru (confiscation of resources). Kaitiaki acting directly or indirectly through the medium of tohunga or animal guardians were an essential ‘controlling’ component of this complex network of checks and balances whereby relationships with the environmental family were maintained.¹¹
21. Christianity supplanted the ancestral atua or spiritual kaitiaki, and active suppression of the role of the tohunga was effected by various means including the Tohunga Suppression Act of 1907. Allied with loss of land, Maori traditional relationships with the environment were seriously impaired. Contemporary Maori have therefore had to fight not only to regain their land but also to obtain recognition of their traditional customs and values relating to the management of environmental resources. This has not been easy to achieve. However, some progress was made by the passing of the Treaty of Waitangi Act 1975 and the setting up of a Treaty of Waitangi Tribunal.

⁹ L. White “The Historical roots of our ecological crisis” (1967) 155(3767) Science 1203-1207.

¹⁰ C.J. Glacken “Reflections on the history of Western attitudes to nature” (1992) 26(2) Geojournal 103-111

¹¹ See Ngaa Rauru Kaitiaki Puataiao Management Plan, p. 5
<www.rauru.iwi.nz/files/ugd/baf875_1a03c51beecc40afbd8728f409c3246c.pdf>.

Relevant Case Studies

22. Some of the key relevant landmarks to have emerged from Waitangi Tribunal hearings in respect of Maori rights as guaranteed under Article II of the Treaty of Waitangi include:

- **Report of the Waitangi Tribunal on the Motunui-Waitara Claim (Wai 6, 1983):**

In 1983 Te Ātiawa brought a claim against a petro-chemical plant which had been given permission to discharge untreated industrial waste including sewage from a nearby meat works, into the mouth of the Motunui river and thus directly into the sea. Te Ātiawa maintained that this authorized pollution of their traditional fishing grounds was an infringement of their Treaty rights.

In upholding their claim the Tribunal laid down one of the cornerstones of subsequent legislation namely that recognition must be given to Maori rights as guaranteed by Article II of the Treaty. "We consider that...Maori people...were to be protected not only in the possession of their fishing grounds but in the mana to control them and in accordance with their own customs and having regard to their own cultural preference."¹²

- **Report of the Waitangi Tribunal on the Kaituna River Claim (Wai 4, 1984):**

In 1984 the Tribunal found in favour of Ngati Pikiāo who had objected to a plan by the Rotorua City Council to discharge treated sewerage into the Kaituna River. Importantly, this decision raised the status of the Treaty to the point where the relevant legislation now contains specific provisions for compliance with the Treaty of Waitangi.

- **Report of the Waitangi Tribunal on the Manukau Harbour Claim (Wai 8, 1985)**

Nganeko Minihinnick on behalf of the Tainui people claimed not only that the harbour had suffered serious deleterious effects from sewage pollution and industrial wastes but that the mana whenua surrounding the Manukau had similarly suffered through the loss of their seafood resources and the illegal confiscations of their land. The Tribunal's decision acknowledged the validity of Maori cultural and spiritual beliefs and recommended guardians be

¹² Waitangi Tribunal *Report on the Motunui-Watara Claim* (Wai 6, 1983), p 5.

appointed to advise and assist on matters affecting the harbour. The concept and definition of kaitiaki discussed in this hearing was subsequently incorporated into the Resource Management Act 1991. Thirdly, the Tribunal found that “the Crown’s guarantee in the Treaty (Article 2) was not only a guarantee of possession in respect of fisheries, but also a guarantee of the authority of control, that is to say, of rangatiratanga and mana.”¹³

23. Later, in *Huakina Development Trust v Waikato Valley Authority*, Justice Chilwell found that “In the Manukau report the Waitangi Tribunal accepted that ‘taonga’ means more than objects of tangible value. A river may be a taonga as a valuable resource. Its mauri...is another taonga. We accept the contention ... that the Waikato river is a taonga of the Waikato tribes. The mauri of the Manukau Harbour is another taonga.”¹⁴ This recognition by the legal system of Maori spiritual and cultural values was another landmark decision.
24. Minhinnick defines kaitiakitanga as follows: “The physical kaitiaki system is based on whakapapa, lineage and inherited nurtured responsibility... and direction of elders. It is traditional and inalienable. Kaitiaki cannot be filled by a group from anywhere [because] the status of kaitiaki stems from long tribal associations [tangata whenua, mana whenua, ahi ka]. Only tangata whenua can be kaitiaki, can identify kaitiaki, can determine the form and structure of kaitiaki.”¹⁵
25. The relationship of iwi with their land is often characterized as a spiritual bond with Papatuanuku and a cultural kinship with the source of life – it is no coincidence that the word for the sustainer of life within the womb, the source of nourishment after birth, the earth itself, is in each case *whenua*
26. But the relationship is also a *legal* one that creates rights and obligations for those who by whakapapa share a spiritual and cultural tie with particular pieces of land.
27. Customs and lore (tikanga) are the means by which an iwi gives expression to its values, its ideals and its way of seeing the world. Law is the way in which iwi ensures that its values and its taonga are regulated, protected and made

¹³ Waitangi Tribunal *Report on the Manukau Harbour Claim* (Wai 8, 1985), p. 70.

¹⁴ *Huakina Development Trust v Waikato Valley Authority* [1987] 2 NZLR 188 (HC) at 194.

¹⁵ N. Minhinnick “Establishing Kaitiaki” (Auckland 1989).

safe. Iwi law provides the mechanisms and defines the rights and obligations that help the custom, culture and lore to survive.

28. Those rights and obligations are given practical expression within the legal processes and rules of each iwi. The legal processes were in turn given effect through the exercise of political power or sovereignty necessary for the application and enforcement of any law. In general terms that vested authority is rangatiratanga.
29. This sovereign power exercised by each iwi and hapu is a political authority and obligation to care not just for the land. If Papatuanuku is the mother and kaitiaki of us all, the people who live with her are tangata tiaki, and the law exists to protect them both. The rangatiratanga of iwi is a right to not only be a protector of the whenua, but also the authority to regulate relations between the people of the whenua.
30. Thus iwi could make laws to regulate all that in the lives of its people. They could make the laws not only to monitor the taking of food from land and sea, but could also establish legal processes to ensure the welfare of the young and the old.
31. Because the tangata whenua are born of and with the land, they live not under but with the law of the land. And that law exists to ensure that Mother Earth is protected and nurtured in order that the collective iwi and hapu may also be safe and secure. To make laws for the protection of the whenua is to make laws for the protection of iwi.

The Kawa of Aotea Waka

32. Kawa, in the context of today's thinking, is the manifestation of the cosmogonical tree of life, from which all life forms evolve. The role of man as described by Te Rangiahuta Broughton:

“Man is only an integral part of the whole.”

33. Therefore, based upon an integrated familial relationship with his environment, man, according to our customary laws, shares a symbiotic relationship with all living things, both animate and inanimate.

34. The Kawa is the sacred order of creation, retained in ritual narratives of ancient genealogies. The function of these rituals are to maintain the equilibrium of nature and govern the human activities between man and his environmental relations.
35. The tohunga mentors of recent past maintained that if the sacred Kawa is ever broken or placed into a state of imbalance, then we will all pay the due consequence of our actions.

Transgression with Intent

36. Transgression occurs when we deliberately upset the delicate balance of nature, or the ethnosphere, whereby our symbiotic relationship within a particular realm of nature is severed, jeopardizing our ability to exist as tangata whenua into the future.
37. The proposal to allow the extraction of iron sand from the West Coast seabed is a deliberate breach of kawa and tikanga and therefore a breach of Article 2 of the Treaty of Waitangi, that guarantees our undisturbed possession of all our taonga.
38. Within the knowledge repositories of our traditional fishermen, is the intimate knowledge of the breeding cycle of the Taamure or the snapper. Seasonal catch is restricted when the snapper are known to be coming into the kohanga (spawning grounds) located offshore to breed. The constitution of the seabed where this occurs, highlights that these are the seabed areas where there is iron sand.
39. If we accept the impacts of iron sand extraction, then we face the loss of our traditional breeding grounds, the loss of other taonga migratory species co-dependent on this unique ecosystem and an unprecedented impact on the wider marine environment.
40. The motive of securing short term income to reduce national deficit, does not weigh up to a desecrated seabed in our backyard. Short term economic gain as opposed to the long term sustainability of the seabed environment, clearly delineates 'the line in the iron sand'.

41. It is our view that we will lose our traditional snapper breeding grounds, and migratory taonga species i.e whales, short and long finned tuna, inanga, ngaore, kahawai and piharau.
42. To allow the proposed iron sand mining project to progress breaches the fundamental rights of Iwi as guaranteed under Article 2 of the Treaty of Waitangi.
43. Such a decision would also be in contempt of the findings and decisions of the Waitangi Tribunal in the decisions outlined above.
44. Collectively these cases highlight two key milestones:
 - The rights of Maori to be protected not only in the possession of their fishing grounds but also in the mana to control them.
 - The validity of Maori cultural and spiritual beliefs.
45. Supporting international conventions such as United Nations Declaration on the Rights of Indigenous Peoples state very clearly:

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

46. **The Indigenous Peoples Kyoto Water Declaration , proclaimed at the Third World Water Forum in Kyoto, Japan, 2003** states emphatically:

Relationship to Water

1. We, the Indigenous People from all parts of the world assembled here, reaffirm our relationship to Mother Earth and responsibility to future generations to raise our voices in solidarity to speak for the protection of water. We were placed in a sacred manner on this earth, each in our own sacred and traditional lands and territories to care for all of creation and to care for water.

2. We recognize, honor and respect water as sacred and sustains all life. Our traditional knowledge, laws and ways of life teach us to be responsible in caring for this sacred gift that connects all life.

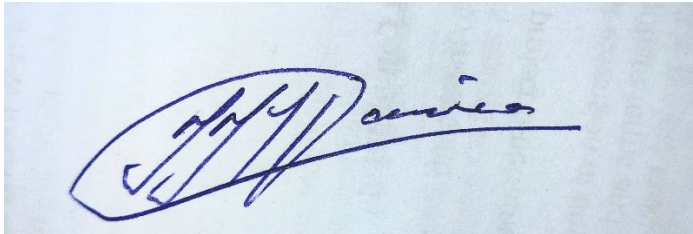
3. Our relationship with our lands, territories and water is the fundamental physical cultural and spiritual basis for our existence. This relationship to our Mother Earth requires us to conserve our freshwaters and oceans for the survival of present and future generations. We assert our role as caretakers with rights and responsibilities to defend and ensure the protection, availability and purity of water.

The ecosystems of the world have been compounding in change and in crisis. In our generation we see that our waters are being polluted with chemicals, pesticides, sewage, disease, radioactive contamination and ocean dumping from mining to shipping waste. We see our waters being depleted or converted into destructive uses through the diversion and damming of water systems, mining and mineral extraction.

47. Mankind has transgressed the balance and we will all pay the price.

48. We as Iwi are totally opposed to the proposal of iron sand mining on our coast.
49. The indignation we have suffered from 150 years of colonisation, does little to deter our right and resilience to oppose, as the first nations people of our tribal domains, the continued rape and pillaging of our environment.
50. To accept the iron sand mining proposal, immediately, creates a contemporary grievance and breach of the Treaty of Waitangi. It contravenes our basic rights as tangata whenua, as defined in international conventions and supported by national case law.

DATED this 6th day of October 2025

A handwritten signature in blue ink on a light blue background. The signature is stylized, with a large, loopy initial 'T' and 'H' followed by the name 'Turama Hawira' in a cursive script.

Turama Hawira