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## NGAA RAURU KIITAH I EVIDENCE ON SEABED MINING EXPOSES TREATY BREACH

Being excluded from the analysis of interests and impacts in the Trans Tasman Resources seabed mining application is only the tip of the iceberg of our concerns, says Ngaa Rauru Kiitahi chair Te Pahunga Marty Davis today.

“Quite rightly Ngati Ruanui is identified as having mana moana within the proposed excavation site, but the sediment plume is modelled to move into our marine rohe – we should be included too,” said Mr Davis.

Interests of Ngaa Rauru Kiitahi, a South Taranaki iwi bordering the Patea River in the north and the Whanganui River in the south, were not included in any detail in cultural values reports by the applicant.

Mr Davis said Te Kaahui o Rauru had strong expert evidence, thanks in part to an outstanding legal team giving their time free of charge, to support their submissions at the hearings.

“We have Otago University’s Professor Jacinta Ruru identifying that the application doesn’t appear to have come far from the original 2013 declined version – TTR was previously criticised for developing conditions relating to Iwi without their support. We don’t even get a mention in the conditions.”

The EPA’s own report by its Maori advisory committee Nga Kaihautu pointed out significant weaknesses and Professor Ruru said their views should be given “considerable weight”, Mr Davis reported.

“The Nga Kaihautu report even notes the cultural values assessment does not meet the standards of a mandatory cultural impacts assessment. It seems to me their application is incomplete.”

Auckland University’s Dr Andrew Erueti noted the United Nations Declaration on the Rights of Indigenous People, signed by the NZ Government in 2010, set out obligations to undertake more than consultation. It made a commitment to “free, prior and informed consent”.

“Dr Erueti holds serious concerns about the decision-making and inclusion in the process”, said Mr Davis.

Ngaa Rauru Kiitahi kaumatua and former Human Rights Commission senior manager TeHuia Bill Hamilton said the EPA clearly had Treaty of Waitangi rights and obligations.

“As Bill describes, the Treaty is ‘a promise of two peoples to take the best possible care of each other’ and our question is how will the EPA’s decision reflect that promise?”, said Mr Davis.

“There is the very real risk that should this high risk activity be approved, the Crown will breach Treaty obligations and international human rights standards. Ngaa Rauru Kiiitahi is still only part-way through resolving its claim for customary rights under the Takutai Moana Act.”

However, Ngaa Rauru Kiiitahi’s interests were about more than customary harvest, Mr Davis said.

“We whakapapa to Tangaroa and the risk of catastrophic damage through this underwater version of open cast mining is totally foreign to our concept of kaitiakitanga.”

The proposal involves excavation of 50 million tonnes of seabed per year for 35 years over an area of 65 square kilometres, up to 11 metres deep.

Ngaa Rauru Kiiitahi cultural advisor Turama Hawira was giving his evidence on behalf of the iwi in Te Reo Maori.

“Turama will share with the EPA some of our special korero, including ‘Ko au ko Tangaroa, ko Tangaroa ko au’ – I am the sea, and the sea is me.”

Mr Davis said Ngaa Rauru Kiiitahi’s concerns were compounded by the way the Department of Conservation had worked with TTR for two years, agreeing proposed consent conditions, without either organization involving the iwi. DOC only advised Ngaa Rauru Kiiitahi of their new position in support of the application at the original closing date for submissions. In 2013, they submitted against the proposal.

“We remain hurt that DOC could shift their view from opposing this application without any discussion with us.”

Ngaa Rauru Kiiitahi was scheduled to speak to its evidence in New Plymouth on Monday 6 March, and had expressed strong disappointment that hearings were not being held within the Ngati Ruanui or their own rohe.

Copies of the evidence in full was available on the Te Kaahui o Rauru website.

**For further information, please contact Anne-Marie Broughton on 027 342 3005.**