



Summary Report

**Summary of Issues on the
Draft Agreement in Principle**

Waikato River claim

Claims & Environment Unit
August 2007



*“The Claim of Waikato-Tainui seeks recognition of our unique relationship with the Waikato River. It seeks acknowledgement of the key guiding principles of **Te Mana o te Awa** and **Mana Whakahaere**.”*

1 Contents

1	CONTENTS	2
2	EXECUTIVE SUMMARY	3
3	INTRODUCTION	3
4	FOCUS OF INFORMATION HUI	5
5	KEY THEMES	5
5.1	REPRESENTATION ON THE MANAGEMENT STRUCTURES (GUARDIANS AND WAIKATO RIVER STATUTORY BOARD)	6
5.2	ACTIVE PARTICIPATION	8
5.3	OVERLAPPING INTERESTS	9
5.4	FUNDING THE SETTLEMENT	10
6	CONCLUSION	11



2 Executive Summary

On 26 May 2007, the Draft Agreement in Principle (Draft AIP) was released and presented to Te Kauhanganui by the Co-Negotiators. As a result of the presentation, Te Kauhanganui approved the Draft AIP for release to Te Kauhanganui marae, other River Iwi and all other stakeholder groups.

This is a summary report of the key themes arising from hui held from 26 May – 5 August 2007. The information has been gathered from tribal hui as well as external or non-tribal hui. A complete list of the consultation hui is noted in this report.

The objectives of these hui were to share information about the content in the Draft AIP. More importantly, these hui provided an opportunity for our tribal members, river iwi and other key stakeholders to review the information and provide some feedback on the content of the Draft AIP.

There has been a number of consistent themes that have been raised during the consultation hui despite the fact that we are consulting with three distinct groups being the tribe, other river iwi and external stakeholders. The key themes can be summarised under the following headings:

- Representation on proposed Management Structures;
- Active participation;
- Overlapping Interests; and
- Funding of the Settlement.

For the purposes of clarity, this summary report will under each of the summary headings identify the specific themes which relate directly to either the tribal, other river iwi or external stakeholder matters.

3 Introduction

On 26 May 2007, the Draft Agreement in Principle (Draft AIP) was released and presented to Te Kauhanganui by the Co-Negotiators. As a result of the presentation, Te Kauhanganui approved the Draft AIP for release to Te Kauhanganui marae, other River Iwi and all other stakeholder groups. On 31 of May 2007, the first hui to discuss the contents of the Draft AIP was held at the Tainui Endowed College Hopuhopu for Waikato-Tainui Kaumaatua.



This is a summary report of the key themes arising from hui held from 26 May – 5 August 2007. The information have been gathered from the following internal or tribal hui as well as external or non-tribal hui:

DRAFT AGREEMENT IN PRINCIPLE CONSULTATION PROGRAMME			
26 May to 5 August 2007			
DAY	DATE	VENUE	
<i>Saturday</i>	<i>26-May</i>	<i>TEC</i>	<i>10.00am - Te Kauhanganui</i>
<i>Thursday</i>	<i>31-May</i>	<i>TEC</i>	<i>12.00pm - Kaumatua</i>
<i>Friday</i>	<i>8-Jun</i>	<i>TAUPO</i>	<i>12.00pm - Tuwharetoa</i>
<i>Sunday</i>	<i>10-Jun</i>	<i>WAIUKU</i>	<i>01.00pm - Reretewhioi</i>
<i>Saturday</i>	<i>16-Jun</i>	<i>POOHARA</i>	<i>10.00am - Poohara</i>
<i>Sunday</i>	<i>17-Jun</i>		<i>Poukai Poohara Marae</i>
<i>Monday</i>	<i>18-Jun</i>	<i>TAUMARUNUI</i>	<i>11.00am - Whanganui River Trust</i>
		<i>TAUPO</i>	<i>10.00am - Tuwharetoa (Tech Team)</i>
		<i>ROTORUA</i>	<i>10.00AM - Te Ika a Maui Fish - (Tech Team)</i>
<i>Wednesday</i>	<i>20-Jun</i>	<i>TEC</i>	<i>10.00am - Environmental Forum</i>
		<i>TE KOOWHAO</i>	<i>02.00pm - OTS PLANNING (Tech Team)</i>
<i>Sunday</i>	<i>24-Jun</i>	<i>TE PUUAHA</i>	<i>10.00am - Te Awamarahi</i>
<i>Monday</i>	<i>25-Jun</i>	<i>CHAMBERS</i>	<i>01.00pm - Federated Farmers</i>
<i>Wednesday</i>	<i>27-Jun</i>	<i>HAMILTON</i>	<i>03.00pm - Local Authorities</i>
		<i>TOKOROA</i>	<i>10.00am - Raukawa (Tech Team)</i>
<i>Thursday</i>	<i>28-Jun</i>	<i>CHAMBERS</i>	<i>02.00pm - Environment Waikato</i>
<i>Friday</i>	<i>29-Jun</i>	<i>TEC</i>	<i>10.00am - Te Arataura Board</i>
<i>Saturday</i>	<i>30-Jun</i>	<i>TE KUITI</i>	<i>10.30am - Ngaati Maniapoto</i>
<i>Sunday</i>	<i>1-Jul</i>	<i>HUNTLY</i>	<i>10.00am - Waahi Paa</i>
<i>Tuesday</i>	<i>3-Jul</i>	<i>HOPUHOPU</i>	<i>10.00am - Kahui Kaumatua</i>
<i>Wednesday</i>	<i>4-Jul</i>	<i>HOPUHOPU</i>	<i>11.00am - EW (Tech Team)</i>
<i>Thursday</i>	<i>5-Jul</i>	<i>COLLEGE</i>	<i>01.00pm - Friends of the River</i>
<i>Saturday</i>	<i>7-Jul</i>		
<i>Sunday</i>	<i>8-Jul</i>	<i>WHATAWHATA</i>	<i>10.00am - Te Papa o Rotu</i>
<i>Monday</i>	<i>9-Jul</i>	<i>CHRISTCHURCH</i>	<i>7.00pm - Taurahere ki Otautahi</i>
<i>Tuesday</i>	<i>10-Jul</i>	<i>WELLINGTON</i>	<i>11.00am - OTS</i>
		<i>DUNEDIN</i>	<i>7.00pm - Taurahere ki Otepoti & Murihiku</i>
<i>Wednesday</i>	<i>11-Jul</i>	<i>HAMILTON</i>	<i>04.00pm - 6.00pm - Biodiversity (Tech Team)</i>
<i>Thursday</i>	<i>12-Jul</i>	<i>NOVOTEL</i>	<i>06.00pm - Corporate Stakeholders</i>
<i>Friday</i>	<i>13-Jul</i>	<i>ROTORUA</i>	<i>10.00am - Nga Kaihautu o Te Arawa</i>
<i>Saturday</i>	<i>14-Jul</i>	<i>TAUPO</i>	<i>10.30am - Tuwharetoa</i>

			<i>Hapu Forum</i>
<i>Sunday</i>	<i>15-Jul</i>	<i>MORRINSVILLE</i>	<i>10.00am - Kai a te Mata</i>
<i>Monday</i>	<i>16-Jul</i>	<i>AUCKLAND</i>	<i>11.00am - Co-Negotiators Advisers</i>
<i>Wednesday</i>	<i>18-Jul</i>		<i>4.30pm - Green Party</i>
			<i>6 - 7.30pm - National Party</i>
		<i>WELLINGTON</i>	<i>07.30pm - Maori Party</i>
<i>Thursday</i>	<i>19-Jul</i>		<i>10.15am - Meeting with Minister</i>
			<i>1.00pm - United Future</i>
<i>Sunday</i>	<i>22-Jul</i>	<i>TURANGAWAEWAE</i>	<i>10.00am - Ngaa Marae Toopu</i>
<i>Tuesday</i>	<i>24-Jul</i>	<i>NGARUAWAHIA</i>	<i>10.00am - Waikato District Council</i>
			<i>1.00pm - Waikato Times Spread</i>
		<i>WELLINGTON</i>	<i>5 - 6.30pm - Labour Party Caucus</i>
			<i>- NZ First</i>
<i>Wednesday</i>	<i>25-Jul</i>	<i>WAIHI MARAE</i>	<i>9.30am - Hauraki Maori Trust Board</i>
		<i>HAMILTON</i>	<i>12 - 1 pm - WINTEC</i>
<i>Thursday</i>	<i>26-Jul</i>	<i>HOPUHOPU</i>	<i>9.00am - Ngaa Taumatua</i>
<i>Friday</i>	<i>27-Jul</i>	<i>CHAMBERS</i>	<i>10.00am - Te Arataura Board</i>
<i>Sunday</i>	<i>29-Jul</i>	<i>KAAWHIA</i>	<i>10.00am - Maketuu</i>
<i>Monday</i>	<i>30-Jul</i>	<i>TOKOROA</i>	<i>10.00am - Raukawa Trust Board</i>
<i>Tuesday</i>	<i>31-Jul</i>		
<i>Wednesday</i>	<i>1-Aug</i>	<i>HOPUHOPU</i>	<i>09.00am - Minister / EW</i>
			<i>11.00am - Minister / Co-negs</i>
<i>Thursday</i>	<i>2-Aug</i>	<i>HOPUHOPU</i>	<i>10.00am - Team Discussion</i>
<i>Friday</i>	<i>3-Aug</i>	<i>HOPUHOPU</i>	<i>10.00am - OTS Negotiations</i>
		<i>HAMILTON</i>	<i>12.00pm - Co-Negotiators - MRP</i>
<i>Saturday</i>	<i>4-Aug</i>		
<i>Sunday</i>	<i>5-Aug</i>	<i>HOPUHOPU</i>	<i>10.00am - Final Comments</i>

4 Focus of Information Hui

The objectives of these hui were to share information about the content in the Draft AIP. More importantly, these hui provided an opportunity for our tribal members, river iwi and other key stakeholders to review the information and provide some feedback on the content of the Draft AIP.

5 Key Themes

There has been a number of consistent themes that have been raised during the consultation hui despite the fact that we are consulting with three distinct groups being the tribe, other river iwi and external

stakeholders. The significant difference however is how each group actually perceives the issue and how it may affect them on the whole. It should be noted, that not all the identified themes were of concern to all groups. It is clear from consultation that both the river iwi and external stakeholders were largely more concerned with issues of representation and funding respectively.

The key themes can be summarised under the following headings:

- Representation on proposed Management Structures;
- Active participation;
- Overlapping Interests; and
- Funding of the Settlement.

For the purposes of clarity, this summary report will set out the specific themes which relate directly to either the tribal, other river iwi or external stakeholder matters under each of the summary headings.

5.1 Representation on the Management Structures (Guardians and Waikato River Statutory Board)

At the majority of the hui held thus far, almost all groups have stated quite openly their desire to have representation on the proposed management structures. The fundamental issues for the tribe when dealing with the issue of representation is to determine at what point in time should others be involved and how far should they have a say in what is essentially a Waikato-Tainui settlement. From a tribal perspective we have noted that the tribe are satisfied with having central government representation primarily because the Crown has for far too long delegated their responsibility and commitment to improving the health and wellbeing of our awa tupuna. This settlement requires the Crown to be part of the Guardians model to ensure:

- Waikato-Tainui achieves the highest level of co-management;
- The Crown's commitment to the settlement as a Treaty partner;
- The Vision and Strategy is reflected in the various policies and plans at both Central and Local Government level; and
- The Crown provides a level of on-going commitment to the redress including funding and resources to support the objectives of the management structures.

The primary concerns raised have been around the following:

- 50/50 representation split. Despite the concept of consensus decision making there is a perspective that Waikato-Tainui should have more say given the potential risk to be outweighed by the representation from both the Crown and other River Iwi.
- Representation of river iwi on these structures needs to be at an iwi to iwi level. Thoughts of accommodating hapuu may result in an unrealistic level of representation both internally and externally. The primary beneficiary of this settlement is the river and therefore representation and accountability should be to the river through each respective river iwi.
- Having an influential say in how Crown make their appointments to the management structures may give Waikato-Tainui some level of comfort that the highest level of co-management will be achieved.

The other river iwi have expressed their concerns around representation largely from the point of view that their involvement needs to be right at the start given their already established relationship with the river, as well as the fact that they have either existing settlements or pending settlements yet to be negotiated with the Crown, for their sections of the river. River Iwi have stated that they need to have representation at the Guardians Establishment Committee stage. Presently, the current Draft AIP does not allow for this to occur and a process will have to be developed to resolve this issue. At the conclusion of consultation the iwi who we had consulted with were:

- Tuwharetoa (Trust Board and Hapuu Forum)
- Te Arawa (Ngati Tahu/Whaoa)
- Raukawa
- Maniapoto
- Hauraki

All iwi with the exception of Hauraki, appear to require representation on the management structures. As noted from the recorded minutes of the Hauraki meeting they did not specifically request representation; but rather wanted to ensure that those hapuu who are impacted by this settlement and also affiliate to Hauraki have the opportunity for ongoing communication and involvement in the future direction of the Draft AIP.



External stakeholders have been quite clear in their perspectives on representation in that representation and accountability back to the region is paramount. The value of having central government representation on the management structures and to allow them to make decisions on both local and regional issues is questionable from their perspective.

There is a strong desire from stakeholders to be included on the proposed management structures. To date, the Federated Farmers have possibly been the most vocal group on this issue. However after further analysis of the minutes, this may be the reactive solution to their underlying desire to ensure that their interests are taken into consideration in the development of the vision and strategy. This issue could be accommodated through the public consultation process that is already included in the Draft AIP with one slight modification. The Draft AIP as currently composed provides for public consultation on the vision or objectives. Further clarity around the process to include stakeholders will be required.

5.2 Active Participation

This referred to the ability of the iwi, hapuu and marae, to have an active involvement in the decision making process with respect to activities on the awa as well as having an opportunity to continue to "manage" their own local areas. This issue has been a common theme at every tribal hui held to date particularly on issues such as fish species (whitebait) protection and protection of water.

Our tribe has always been considered as just another stakeholder in the local government process and our tribe has always shown their discontent regarding the current system in its failure to provide for and actively support our tribal role in the decision making process. This is a settlement of the claim to the Waikato River and therefore Waikato-Tainui must be past a point of consulting. The Crown has to have more of a commitment to the tribe than consult.

In the Draft AIP, there are numerous levels that these issues have been acknowledged:

- Vision and Strategy: which provides for a high level of integrated management and tribal influence through the Waikato-Tainui objectives;
- Waikato River Statutory Board: the function of this Board provides an opportunity to ensure Waikato-Tainui has influence on the upper catchment through the Audit function;

- Waikato River Trust: which will provide practical support to mana whenua groups as well as implementing the tribal initiatives (including training, education, research and development and potentially funding support for work programmes).

While the tribe has clearly recognised that what we have been able to achieve under the Draft AIP, particularly under the provisions of settlement, is a good starting point, there needs to be more strength in the provisions. The suggestion has been that the highest level of enforcement needs to apply to all agencies and groups that operate along the river and not to Environment Waikato alone. Furthermore, the term 'give effect to' should be the starting point for enforcement and not the end point.

While the tribe recognised the intentions of the mechanisms provided in the Draft AIP, they are concerned about the practical implementation of the management structures and the vision and strategy as well as the length of time it may take to make change locally. Environment Waikato has raised similar issues centred primarily around implementation at an operational level. Therefore, it is important to get to the next stage of the negotiations process so that the Guardians Establishment Committee can start its work.

The tribe has generally supported the management framework that has been developed because it has the potential to ensure the best interests of our awa tupuna. They seem to also be satisfied that there are some internal mechanisms working in tandem with the claim, such as the development of the Environmental Strategy. This will assist the Tribal Authority to support marae to participate and be a part of the settlement, including monitoring, education, protection of the sites of significance. This work has also addressed earlier concerns about the Tribal Authority needing to provide leadership in all environmental issues and providing for a united approach. It is hoped that through these processes, the Tribal Authority will develop a closer relationship with the management committees and the Marae.

5.3 Overlapping Interests

It appears that all River Iwi are still trying to understand the implications of the Draft AIP on their respective claims. On the face of it, they are impressed with the models that have been developed. There does appear to be some confusion as to what exactly the river iwi(s) issue are particularly around representation or input. However, the key issue still appears to be their lack of understanding of the principles of the claim, particularly te mana o te awa.

What has developed however is that the river iwi can be separated into two groups; those that generally support and those who do not unless change is made to the Draft AIP. For those who generally support



they understand the concept of the korowai and would like to extend and leverage off the model to assist them with their direction.

For those who oppose it appears to be an issue of mana in how this settlement may impact on their mana and with their relationship with the river. It has been expressed that Waikato-Tainui should not make the assumption that everyone regards the river as a tupuna and secondly; that it should not necessarily come under the mantle of Kingitanga. The reality is that there maybe potential for legal action should this issue be unresolved.

Another fundamental issue raised by the other river iwi is the focus of economic development under this agreement. The point was made that in the upper catchments their economic development relies on farming and forestry whereas Waikato-Tainui has a more commercially focused drive around property. The reliance therefore on an industry which may be impacted by this agreement has created cause for concern and raised the question as to whether they maybe unfairly prejudiced given the difference between commercial as opposed to rural development.

Waikato-Tainui needs to do a lot of work to ensure these apprehensions are allayed or somehow better reflect the intention of the principles in the AIP. Politically, this is a big challenge for the Crown particularly with the Office of Treaty Settlements being publicly criticised by the Waitangi Tribunal about the lack of processes to deal with overlapping interests. One advantage we do have, is that the Draft AIP is an additional step in the existing process to give some comfort to address these concerns.

We will need to continue to advocate in external forums to generate greater awareness. Potentially, we need to re-strategise to ensure other Iwi are comfortable about moving forward with the two practical outcomes of te mana o te awa: the Guardians of the Waikato River and the Korowai.

5.4 Funding the Settlement

There are two key areas regarding funding that have been consistently raised at both the internal and external consultation hui. These key areas are summarized as follows:

- Funding to implement structures;
- Funding to incorporate and implement actions/outcomes of these structures in respect to the vision and strategy.



The overwhelming sentiment from consultation is that given this is a settlement with the Crown funding to establish and implement these structures need to come from central government.

Stakeholders indicated that they already pay a significant amount of rates and any further rise to accommodate this settlement would be viewed as being unacceptable. To add to this, both local and regional authorities endorsed this viewpoint and collectively agreed that their constituents should not be subject to funding any proposed settlement structures or additional costs as a result of settlement.

The other big issue with funding is who will be responsible to fund the likely outcomes from these structures in respect to the implementation of the vision and strategy. Regional Council have stipulated that anything that may fall outside or add to their core functions in respect to the river may require additional funding by the Crown for this to be achieved. This statement however has been qualified in that it will largely depend on the timeframes and speed needed to achieve the outcomes of the vision and strategy. Regional Council have noted that Crown will need to contribute should the timeframes be required to be met sooner than later.

The tribal consultation followed a similar line of thought but focused more on the perspective that Crown should not be absolved of its responsibility to clean up the river. It was expressed that any funding needed to implement this settlement must be generational so that sustainable outcomes can be achieved.

The other element that has fallen out of this discussion is about how we may be able to focus and coordinate existing funding so that there is no duplication of efforts in terms of managing the river. The main priority will not be to replace existing funding but through settlement funding enhance those activities already taking place on the river. The other priority for any settlement funding would be to address any gaps that may be identified once the vision and strategy has taken effect.

In terms of wider funding issues around tribal initiatives and clean up, this has not really been able to be discussed during the course of the hui. This is primarily due to the matter yet to be negotiated and any disclosure could be detrimental to the discussions that are yet to be had with Senior Ministers. However, there must be consideration to economic loss, initiatives and clean up.

6 Conclusion

The hui have been an invaluable tool to assess, evaluate and collate feedback on the Draft AIP. Generally speaking, the framework that has been developed and the direction that the claim has taken has been well received. It has been hard for people to disagree with wanting to have a cleaner and healthier river. The



issue is more a case of how will it be done, who will be involved and how much will it cost to implement. There are a number of issues still to be addressed, such as:

- Financial matters;
- Providing for the practical implementation of the vision and strategy; and
- Addressing tribal and other river iwi themes.

While these are significant issues, they are not unresolvable. Priority will be on resolving both the tribal and other river iwi issues. Although the consultation has identified a number of stakeholder themes, these matters can be dealt with through Crown representation given they are there to represent the interests of all New Zealanders. Significant focus will need to be placed therefore on both the tribal and other river iwi themes if the principle of te mana o te awa is to be achieved. If this cannot be done then alternatives will need to be looked at as to how the principles of the claim can be achieved while ensuring that the integrity of this settlement as a Waikato-Tainui settlement is maintained.

DRAFT