

Waikato River Claim Agreement in Principle

December 2007

Update

Following extensive consultation with the tribe, other river iwi and stakeholders, an Agreement in Principle for the Waikato River Claim was approved by Cabinet earlier this month, and presented to Te Kauhanganui o Waikato on 16 December 2007.

Background

A draft agreement was released for consultation in May.

The consultation process identified a number of key issues that had not been clearly reflected or articulated in the draft.

Taking on board these concerns, the Co-Negotiators undertook a further series of negotiations with the Crown to have the matters addressed.

As a result, the draft agreement has been revised.

*Key revisions are provided in detail overleaf.

Next Steps

A round of regional hui will be held in January and February 2008 to explain the details of the Agreement in Principle, and to provide tribal members the opportunity to ask questions.

Regional hui dates and venues

10am, 12 January 2008	Puukaki Marae 161/85C Puukaki Road, Mangere, Auckland
10am, 19 January 2008	Te Kauhanganui Chambers, 451 Old Taupiri Road, Hopuhopu
10am, 26 January 2008	Maungatautari Marae Hicks Road, Maungatautari
10am, 10 February 2008	Waahi Marae Harris Street Extn, Huntly

The consultation programme for key shareholders, river iwi and corporates will be held week days.



From the collection of Fred Graham

He Piko He Taniwha

Waikato Taniwharau, he piko he taniwha

Waikato of a hundred chiefs, at every bend
stands a chief.

TAINUI

Overarching Purpose

The key principles of the settlement, Te Mana o te Awa and Mana Whakahaere, confirms the overarching purpose: to ensure that the protection of the health and well being of the river is paramount. Through these principles and this settlement, Waikato-Tainui and the Crown aim to enter a new era of co-management of the Waikato River at the highest level.

Vision and Strategy

The Vision and Strategy is now a cornerstone for redress. The purpose of the Vision and Strategy is to provide direction as to how the river should be managed. The Vision and Strategy will incorporate a number of objectives that reflect both Waikato-Tainui and other New Zealanders interests; but that these objectives must be consistent with the overarching purpose to be considered in any final Vision and Strategy.

Highest Level of Recognition

The deed of settlement and settlement legislation will contain provisions setting out how the Vision and Strategy are to be given the highest level of recognition in legislation affecting the Waikato River and its management. The purpose of this is to give 'teeth and bite', to the Vision and Strategy so as to require decision makers to comply with its direction.

Co-Management Mechanisms

The co-management mechanisms factored into this agreement include: Guardians Establishment Committee, Guardians of the Waikato River, Waikato River Statutory Board, and Waikato River Trust. These mechanisms provide different layers of management responsibility, and they each have slightly different functions and/or coverage areas, but the same overarching aim of integrated co-management of the Waikato River.

The key revisions in the Agreement, relate specifically to the Guardians Establishment Committee ("GEC") and Waikato River Statutory Board ("the Board"):

Guardians Establishment Committee

The GEC has now been expanded to include the membership for other river iwi and increased Crown membership. The key function of the GEC is to prepare a draft Vision and Strategy for the Waikato River for consultation. Thereafter it will require an agreement by the GEC to move the Vision and Strategy from the draft stage, and then approval by Waikato-Tainui and the Crown for inclusion in the deed of settlement and settlement legislation.

Waikato River Statutory Board

The most significant change with the Board is that its membership will now expand to include Environment Waikato, local authorities and representatives of relevant Crown agencies. The Board will still be one vehicle which can assist the tribe to exercise its Mana Whakahaere, but it will also be an entity to implement and ensure compliance with the requirement to give the highest level of recognition to the Vision and Strategy for the Waikato River, from Karapiro to Te Puuaha o Waikato.

Intention of Settlement

The intention of settlement has been revised to include disposition. The focus remains the same which is to prevent the further disposition of the river, and to outline the differing viewpoints that both Waikato-Tainui and Crown have in regard to the issue of ownership. The focus is still about management of the river, but protects Waikato-Tainui's position on ownership should it become relevant in the future.

Financial Matters

It has been agreed that there will be a financial package from the Crown to provide for cultural and economic loss, implementation and clean up funding, and funding for cultural, educational, economic, social and heritage initiatives for Waikato-Tainui.

In addition but not as part of the settlement, it has also been agreed that the Crown will provide an endowment for the Tainui Endowed College; the consideration of a Trust for the restoration and protection of the relationship of Waikato-Tainui with the river, and other opportunities which Waikato-Tainui and the Crown agree are appropriate.

Other Matters

Included here are matters to do with Crown lands, sites of significance, the development of regulations for the management of fisheries, flora and fauna and First Right of Refusal. These will all be matters to be negotiated prior to the completion of a Deed of Settlement.

Want to know more?

Copies of the Agreement in Principle are available online from www.tainui.co.nz or www.ots.govt.nz.

If you have any questions or would like to speak to the Claims and Environment Unit, please email: claimsunit@tainui.co.nz or freephone: 0800 TAINUI (0800 824684).