

Embargoed to 1pm, Friday 22 August 2008

## **Waikato-Tainui and Crown sign a Deed of Settlement for the Waikato River**

Waikato-Tainui and the Crown have reached settlement for historical claims over the Waikato River. Co-negotiators Lady Raiha Mahuta and Tukoroirangi Morgan say the overarching purpose of the settlement, is to restore and protect the health and wellbeing of the Waikato River for future generations.

At a special ceremony hosted today at Tuurangawaewae Marae, more than 900 people including tangata whenua, Crown representatives, other iwi delegates and dignitaries from indigenous nations, witnessed the signing held on the riverbank below the Marae.

The ceremony posed an impressive sight with the Waikato River providing a spectacular, panoramic and natural backdrop. Lady Raiha, Mr Morgan and Treaty Negotiations Minister Michael Cullen, took centre stage to sign the deed in front of a jubilant audience. Included in the programme was a mass haka following the arrival of King Tuheitia's fleet of waka tauaa.

"This is a momentous time for Waikato-Tainui and we are extremely excited to finalise the Deed of Settlement today," Mr Morgan said.

"This deed provides for new Waikato River governance boards representing iwi and Crown interests, and central to the settlement is the establishment of the Waikato River Statutory Board which will be a vehicle for co-management."

Mr Morgan said the vision and strategy to clean up the river will be given the highest level of recognition.

On the weekend the terms of the Waikato Raupatu River settlement were presented to the tribe's parliament Te Kauhanganui, where representatives of more than 50 Waikato Marae gave their overwhelming support. Lady Raiha said today's signing was a tribute to them and the many who have strived for the Waikato River to be restored to its former health and wellbeing.

"This claim has spanned 21 years," Lady Raiha said. "Many of our leaders and kaumaatua have gone and it is right that they be honoured with this settlement."



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“While there is still work to be done to put new arrangements in place, the settlement affirms the Crown’s commitment to its relationship with Waikato-Tainui, and lays the foundation for an exciting new era of co-management.

“Finally, Tuku and I would like to express our appreciation for the contribution of Dr Cullen in achieving this settlement for our people. We also acknowledge the contribution of the Hon Mark Burton in the initial stages, as well as the on-going support we have received from the Maaori Ministers Parekura Horomia and Mita Ririnui.

“Today we are all guardians of the Waikato River and together we celebrate it’s future health and wellbeing.”

**ENDS**

**For a summary of the Deed of Settlement and media enquiries contact: Hone Edwards  
021 286 0832.**

# **Deed of Settlement between Waikato-Tainui and the Crown**

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in relation to the  
Waikato River

## **SUMMARY**

Friday, 22 August 2008

## Background to the Deed of Settlement

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Representatives of the Crown and Waikato-Tainui have signed a Deed of Settlement to settle the historical claims of Waikato-Tainui over the Waikato River. The Deed was signed on Friday 22 August 2008, in the final week of the annual Koroneihana celebrations at Tuurangawaewae Marae at Ngaaruawaahia.

The Waikato River claim arose from the Crown's raupatu (confiscation) in the 1860s which denied the rights and interests of Waikato-Tainui in the Waikato River. The river claim was excluded from the 1995 land settlement with Waikato-Tainui and was set aside for future negotiation.

Terms of Negotiation for the Waikato River claim were signed by the Crown and Waikato-Tainui in December 2005, and negotiations have been ongoing. An Agreement in Principle was signed on 16 December 2007.

**The River belongs to us just as we belong to the River. The Waikato tribe and the River are inseparable. It is a gift left to us by our ancestors and we believe we have a duty to protect that gift for future generations.**

*Robert Te Kotahi Mahuta, 1975*

## Overview

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The settlement aims to enhance the relationship between the Crown and Waikato-Tainui; to recognise and sustain the special relationship Waikato-Tainui have with the Waikato River; to enter a **new era of co-management** over the Waikato River across a range of agencies; and reflect a unity of commitment to respect and care for the Waikato River.

The focus of the settlement is the **health and wellbeing of the Waikato-River**. It is centred on a Vision for the Waikato River and a Strategy to achieve this Vision. The Vision and Strategy have been developed following public consultation by the Guardians Establishment Committee on which Waikato-Tainui and the Crown, along with other iwi and regional stakeholders, are represented. The committee is the establishment body for the Guardians of the Waikato River (see below), and was set up by the Agreement in Principle to carry out this task.

The Vision for the Waikato River focuses on restoring and protecting the health and wellbeing of the river for future generations. The Vision will operate at the highest level to set the direction for enhancements to the health and wellbeing of the river and is based on a set of objectives contained in the Deed which reflect the interests of Waikato-Tainui and all New Zealanders. The Vision will operate across statutory frameworks such as the Resource Management, Conservation, and Fisheries frameworks.

The settlement also provides a framework for co-management. It records commitments to the highest level of good faith engagement and consensus decision-making, while having regard to statutory frameworks and the mana whakahaere (authority, rights of control) and the mana o te awa (spiritual, physical and cultural relationship) of Waikato-Tainui with the Waikato River.

# Summary of the redress

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## Historical

- **Crown acknowledgements** relating to:
  - The Crown's raupatu (invasion and war by land and by the Waikato River, and subsequent confiscation of Waikato lands) in the 1860s which denied Waikato-Tainui their rights and interests in the Waikato River;
  - The failure of the Crown to respect, provide for and protect the special relationship Waikato-Tainui have with the River; and
  - The degradation of the River that has occurred while the Crown has had authority over the River causing distress to Waikato-Tainui.
- **A statement of significance of the Waikato River to Waikato-Tainui** in both English and Maaori.

## Health and Wellbeing of the Waikato River

- Provision for **legislative recognition of the Vision and Strategy**: –
  - the Vision and Strategy, in the form agreed between Waikato-Tainui and the Crown, will be a National Policy Statement for the purposes of the Resource Management Act and a Statement of General Policy for the purposes of conservation legislation:
    - this will require local authorities to give effect to the Vision and Strategy when preparing or changing plans and policy statements, to have regard to the Vision and Strategy when considering a resource consent application and to have particular regard to the Vision and Strategy for designations and heritage orders.
    - it will require the Director-General of Conservation to implement the Vision and Strategy when preparing Conservation Management Strategies and Plans
  - decision-makers under a range of other relevant legislation will also be required to have particular regard to the Vision and Strategy
- The establishment of a permanent **Guardians of the Waikato River**:
  - to promote, and work to achieve, the restoration and protection of the health and wellbeing of the Waikato River for future generations and work to achieve an integrated, holistic and co-ordinated approach to the management of the Waikato River
  - will apply to the Waikato River and its catchment from Taheke hukahuka (Huka Falls) to Te Puuaha o Waikato (Waikato River mouth) and its catchments (see map below)
  - made up of one member appointed by Waikato-Tainui, one member each appointed by Maniapoto, Raukawa, Te Arawa, and Tuwharetoa, four members appointed by the Crown, and one member nominated by Environment Waikato and appointed by the Crown

- The Guardians will report on progress in achieving the Vision and Strategy every five years and review the Vision and Strategy every 10 years. Waikato-Tainui objectives will form a basis for future reviews of the Vision and Strategy. The Crown and Waikato-Tainui, and other appointers for the Guardians, will review the effectiveness of the Guardians every five years.
- Until the permanent Guardians is established, the **Guardians Establishment Committee** will be reconvened to provide advice on, and to promote, the Vision and Strategy. It will also provide advice on the scoping study for the clean-up priorities.
- The establishment of a Trust to manage a **contestable “cleanup” fund** for restoring and protecting the health and wellbeing of the Waikato River.
  - The Crown’s initial contribution to this fund, through the Waikato-Tainui settlement, will be \$7 million per year for 30 years.
  - Following deed signing the Crown will fund a study to identify options for clean-up priorities for the Waikato River. This study will inform the finalisation of the final contributions to the clean-up fund for the Waikato River.
  - The trustees will be appointed by the Guardians

### **Co-Management arrangements**

- The establishment of a **Waikato River Statutory Board**:
  - to support Waikato-Tainui with their relationship with the Waikato River and the exercise of mana whakahaere from Karapiro to Te Puuaha o Waikato (Waikato River mouth) and will have functions aimed at ensuring the Waikato River is managed in a manner that implements the Vision and Strategy.
  - made up of five members appointed by Waikato-Tainui and one member each appointed by Environment Waikato, Franklin District Council, Waikato District Council, Hamilton City Council and Waipa District Council
  - when issues affecting the Waipa River are being discussed a representative of Maniapoto will be involved
  - which will convene **joint working parties**, prior to the development of a statement, plan or other statutory document under the Resource Management Act, to reach a consensus on what is required to give effect to the Vision and Strategy in relation to a statutory document or decision-making process
- A **Board Establishment Committee** will be set up after the deed is signed for Waikato-Tainui and the relevant local authorities to analyse and report on local authority powers or functions that could be transferred to either the Statutory Board or to the Waikato Raupatu River Trust (the Waikato –Tainui governance entity).

- In addition to the other mechanisms for Waikato-Tainui to have input and take part in planning or decision-making processes, the settlement will provide for:
  - Waikato-Tainui to prepare a **Waikato-Tainui Environmental Plan** and decision makers under the Resource Management Act must take this plan into account in their planning processes and when considering a resource consent they must have regard to it if it is relevant.
  - the development of an **Integrated River Management Plan** for management of aquatic life, habitats and natural resources in the Waikato River by Waikato-Tainui and the Department of Conservation, the Ministry of Fisheries, Environment Waikato and other agencies.
- The settlement legislation will enable Waikato-Tainui to have the **ability to make regulations** under the Fisheries and Conservation Legislation for the management of fisheries, flora and fauna within and along the lower Waikato River and its catchments.
- A **Kiingitanga accord** between Waikato-Tainui and the Crown, which sets out the joint commitments of the parties to an enhanced relationship, to support integrated co-management and to protect the integrity of the settlement. The Accord includes commitments to:
  - develop and agree **portfolio-specific accords** with the Minister of Conservation, Fisheries, Land Information, Environment, Arts, Culture and Heritage, Local Government, Agriculture, Biosecurity, Energy and with the Commissioner of Crown Lands.
  - explore accords between Waikato-Tainui and other Ministers and agencies after the deed is signed, and to support Waikato-Tainui to establish memoranda of understanding with councils and other relevant agencies
  - finalise the accords, disclose information, and complete other actions before settlement date.
- For **marginal strips and river-related Crown-owned land**, the settlement will provide for the Crown and Waikato-Tainui to discuss:
  - the protection or gifting of sites of significance to Waikato-Tainui
  - provisions for management or co-management of sites with Waikato-Tainui.

**Toku awa koiora me ona pikonga he kura tangihia o te matamuri.  
*The river of life, each curve more beautiful than the last.***

Our Vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who in turn are all responsible for restoring and protecting the health and wellbeing of the Waikato River and all it embraces for generations to come.

*Guardians Establishment Committee, 2008*

## Funding and other matters

- **Sir Robert Mahuta Endowment:** the Crown will make an up front contribution of \$20 million, within 3 months of the settlement deed being signed
- **River initiatives fund:** The Crown will provide \$50 million to the Waikato Raupatu River Trust for initiatives for restoring and protecting the relationship of Waikato-Tainui with the Waikato River (including its economic, social, cultural and spiritual relationships) and the protection and enhancement of significant sites, fisheries, flora and fauna (in the lower reaches of the Waikato River).
- **Co-management funding:** after the settlement is finalised the Crown will provide the Waikato Raupatu River Trust \$1 million per year for 30 years to fund the participation of Waikato-Tainui in the co-management processes in this settlement, to be reviewed after two years.
- **Funding for entities:** Following deed signing the Crown will fund a study to identify the operating costs of the Guardians of the Waikato River and Waikato River Statutory Board. This study will inform the finalisation, post Deed of Settlement, of the Crown's commitment to fund the operation of the two new entities.
- There will be a **right of first refusal** applying to the Huntly power station and the coal mining permit under the Waikato River
- **Dispositions:** The Crown will be required to engage with Waikato-Tainui on the disposition of or create certain property rights or interests in the Waikato River.

## Next Steps

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The government will introduce settlement legislation as soon as possible. After the deed is signed the Crown and Waikato-Tainui will work together to develop the accords and discuss the outstanding land matters.

The Guardians Establishment Committee will continue its work advising the Crown and Waikato-Tainui on those aspects of the settlement that affect the whole Waikato River.

The Board Establishment Committee will be formed to begin the process of considering which local authority powers or functions could be transferred to either the Statutory Board itself or to the Waikato Raupatu River Trust (the Waikato –Tainui governance entity).

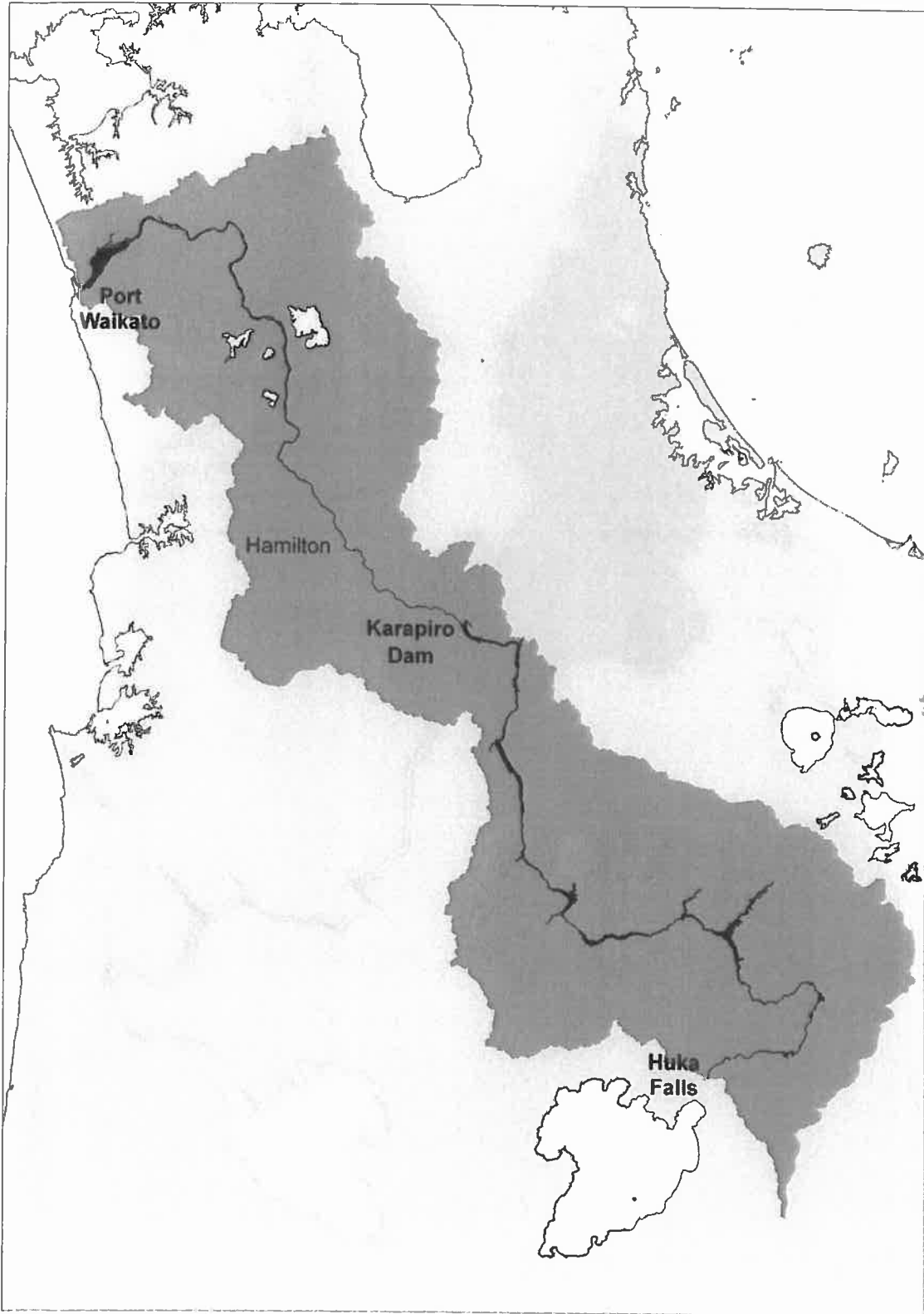
The settlement will be for the benefit of the Waikato River and all members of Waikato-Tainui.



## Jurisdiction of the Guardians

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From Huka Falls to the sea as shown in the map below:



## Jurisdiction of the Waikato River Statutory Board

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From Karapiro to the sea as shown in the map below:

