

WAIKATO - TAINUI
and
HER MAJESTY THE QUEEN
In right of New Zealand
and
THE MARUTŪĀHU IWI

**AGREED FRAMEWORK
IN RELATION TO AREAS OF SHARED CUSTOMARY
INTERESTS
AND THE WAIKATO RIVER DEED OF SETTLEMENT**

September 2008

INTRODUCTION

- A On 16 December 2007, the Crown and Waikato-Tainui signed an Agreement in Principle to settle the historical Treaty claims of Waikato-Tainui in relation to the Waikato River.
- B On 22 August 2008, the Crown and Waikato-Tainui signed a Deed of Settlement for the historical Treaty claims of Waikato-Tainui in relation to the Waikato River.
- C Both the Agreement in Principle¹ and Deed² reflect the Waikato-Tainui aspiration for the Korowai concept which includes, among other things, whanaungatanga.
- D The next steps for settling these Treaty claims include the various Parliamentary phases of settlement legislation.
- E The Marutūāhu Iwi of Ngāti Maru, Ngāti Whanaunga, Ngāti Tamaterā and Ngāti Pāoa tautoko Waikato-Tainui in achieving a just and empowering settlement of their Waikato River claims.
- F During the settlement negotiation process, both the Crown and Waikato-Tainui have had particular regard to the interests of other tribes of the Waikato River and its catchments. This included the release of the first ever draft Agreement in Principle and many hui a iwi.
- G This engagement led to the inclusion of the following provisions in the final Agreement in Principle and Deed of Settlement:

Agreement in Principle

"16 The Crown and Waikato-Tainui acknowledge that each River iwi has its own unique relationship with the River and its own long established tikanga in relation to the River. Nothing in this Agreement in Principle is intended to impinge on those relationships. Nor is there any intention to question or disregard the tikanga of any River iwi.

17 Recognition of the relationship between Waikato-Tainui and the Waikato River by the Crown is not intended to affect the rights, interests, or mana whakahaere of any River iwi who is not a party to the settlement, but is intended to reflect a unity of purpose to respect and care for the River."

¹ Clauses 18-20.

² Clauses 1.61-1.66

Deed of Settlement

"1.117 The Crown and Waikato-Tainui acknowledge that each Waikato River iwi has its own unique relationship with the Waikato River and its own long established tikanga in relation to the Waikato River. Nothing in this deed is intended to impinge on those relationships. Nor is there any intention to question or disregard the tikanga of any River iwi.

1.118 Recognition of the relationship between Waikato-Tainui and the Waikato River by the Crown is not intended to affect the rights, interests, or mana whakahaere of any River iwi who is not a party to the settlement, but is intended to reflect a unity of purpose to respect and care for the River."

"15.6 Waikato-Tainui and the Crown agree that this deed and the settlement legislation settle only the raupatu claims of Waikato Tainui, and do not settle or affect any other historical Treaty claims that relate to the Waikato River and its catchments by other groups or individuals.

15.7 The Crown acknowledges that other iwi may have differing views than Waikato-Tainui and those views will be reflected in their respective settlements."

- H These provisions provide an important platform for protecting the general interests of other tribes.
- I Within the catchment area³ located to the east of the Waikato River, the Waitangi Tribunal has recognised⁴ that the Marutūāhu and Waikato sections of the Tainui Waka share customary and traditional interests over a substantive area of land and waterways.⁵
- J Te taura tangata is the chord of kinship that binds people together through whakapapa. This braid is tightly woven as between Waikato-Tainui and the Marutūāhu Iwi whose strands share waka, tūpuna and whenua.
- K The Crown recognises the need to preserve relationships between its Treaty partners, in this instance Waikato-Tainui and the Marutūāhu Iwi.

³ Marked "A" on the SO plan to the Deed of Settlement.

⁴ See, for example, pages 243, 239 and 234 of Volume I of The Hauraki Report (Wai 686).

⁵ Being that part of "Catchment A" encompassed by the Waitangi Tribunal's Hauraki District Inquiry Area.


- L The Crown, Waikato-Tainui and the Marutūāhu Iwi have agreed the appropriate framework within which to affirm the shared interests of Waikato-Tainui and the Marutūāhu Iwi.

AGREED FRAMEWORK

1. Waikato-Tainui and the Crown will from the date of this agreed framework enter into discussions with the Marutūāhu Working Group⁶ to agree how the Guardians of the Waikato River, the vision and strategy, the Waikato River Statutory Board, the co-management arrangements and the Ministerial Accords will operate with respect to the interests of the Marutūāhu Iwi in the Shared Kinship Area.⁷
2. Waikato-Tainui and the Crown agree that the terms of reference for the Statutory Board Establishment Committee shall include an acknowledgement of this agreed framework.
3. Waikato-Tainui, Marutuahu and the Crown intend to reach agreement on some or all of the entities and instruments of co-management prior to the commencement of the select committee process.
4. In reaching agreement on these matters, Waikato-Tainui and the Marutūāhu Iwi shall be guided by their kaumātua in respect to their Tainui Waka whanaungatanga and tikanga.
5. The Crown shall, within one month of the settlement legislation coming into force, advise all relevant local authorities, government departments, Crown entities and State enterprises of the provisions of this agreed framework and any agreement that is reached.

SIGNED on 25 September 2008

SIGNED for and on behalf of **HER MAJESTY THE QUEEN** in right of New Zealand by the Minister in Charge of Treaty of Waitangi Negotiations


Hon Dr Michael Cullen

⁶ Being an unincorporated entity which lodged a deed of mandate with the Crown in December 2005 (which has not yet been recognised by the Crown), and includes its successors.

⁷ Being the area described in paragraph I of this agreement.

SIGNED for and on behalf of **HER MAJESTY THE QUEEN** in right of New Zealand by the Minister of Maori Affairs

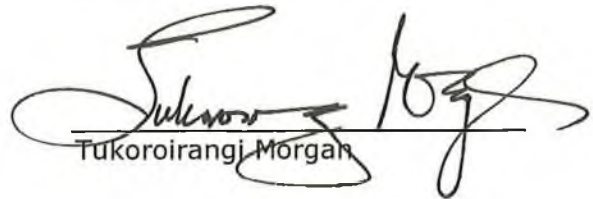


Hon Parekura Horomia

SIGNED for and on behalf of **Waikato-Tainui** by Lady Raiha Mahuta and Tukoroirangi Morgan

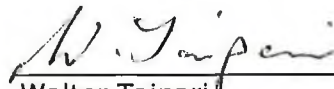


Lady Raiha Mahuta

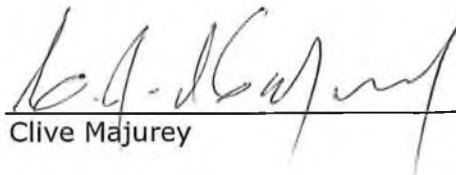


Tukoroirangi Morgan

SIGNED for and on behalf the **Marutūāhu Iwi** (comprising Ngāti Maru, Ngāti Whanaunga, Ngāti Tamaterā and Ngāti Pāoa) by the Marutūāhu Claimants and Marutūāhu Working Group representatives



Walter Taipari



Clive Masurey



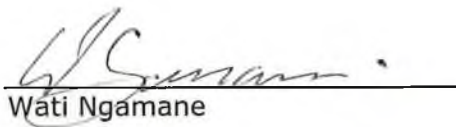
Tewi Nicholls



Glen Tupuhi



Rodney Renata



Wati Ngamane