

Iwi and hapu rights and interests in freshwater

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WHERE THE WORLD IS GOING

Te Tiriti o Waitangi



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Remains the starting point for modern New Zealand. Three principles central to modern democratic processes and that underpin the promise of the Treaty which looked forward to a fair and united nation:

- full participation
- mutual respect, and
- An equitable share in the country's wealth.

- Sir Mason Durie

Treaty of Waitangi Freshwater Settlements



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- Ownership of beds and surrounding lands
- Co-management and co-governance
 - Inclusion in decision-making
 - Relationship agreements
 - Maturanga M ori indicators of health and well-being
- Distinct legal entity



Waikato River Settlement



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- Best interests of the River
- Holistic approach
- Vision and strategy
- Waikato River Authority
- Clean-up fund
- Protection of principles and values (e.g. river is a treasure, future generations)

‘Rights and interests in water’



Maori had rights and interests in their water bodies for which the closest English equivalent in 1840 was ownership. Those rights were then confirmed, guaranteed, and protected by the Treaty of Waitangi, save to the extent that the Treaty bargain provided for some sharing of the waters with incoming settlers... The nature and extent of the proprietary right was the exclusive right of hapu and iwi to control access to and use of the water while it was in their rohe.

Waitangi Tribunal, 2012

NZMC – Governance of Water



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- Proposes a framework for a law which recognises the Maori proprietary interest in water, the general public interest in water and which in the interests of future generations, promotes responsible use.
- An independent body to allocate water resources for the benefit of all.
- This model involves a value proposition with money used to restore and rehabilitate waterways.

Iwi Leaders Group



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1. Recognition

- Rights and interests in and around water

2. Decision-making

- Structural - representation
- *Full* participation

3. Water Quality

- Mechanisms to recognise Te Mana o te Wai

4. Economic

- Access and allocation