

HE KAUPAPA KOTAHI – HE ARA WHAKAMUA

WHANGANUI RIVER CLAIMS -

AGREEMENT ON PROCESSES AND PROCEDURES

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Purpose

1. This Agreement describes how Te Awa Tupua Negotiating Committee and the Crown Negotiators will work together to develop a settlement package for presentation to Ministers and Whanganui Iwi to settle the Whanganui River claims, in accordance with the Whanganui River Claims - Terms of Negotiation signed by the Pae Matua and the mandated representatives of Whanganui Iwi and the Minister in Charge of Treaty of Waitangi Negotiations on 6 March 2003.

Positive Discussions

2. Te Awa Tupua Negotiating Committee and the Crown Negotiators agree to negotiate together in an open and frank manner. Negotiations will be conducted on a confidential and without prejudice basis. This will achieve an environment that recognises, and treats accordingly, the processes and procedures of the Crown and Whanganui Iwi.
3. Te Awa Tupua Negotiating Committee and the Crown Negotiators acknowledge that at times discussions during formal negotiations may reach an impasse. Should this occur, both parties would seek advice and take guidance from their respective leadership groups on the way forward.
4. That negotiation meetings will be held in the rohe of Whanganui Iwi and in Wellington on an equal basis or as agreed from time to time.

Stages of Negotiation

5. Te Awa Tupua Negotiating Committee and the Crown Negotiators will prepare the following documents:
 - a. Agreement in Principle – outlines the scope and nature in principle for settlement of the claims of Whanganui Iwi that will be recorded in the Deed of Settlement;
 - b. Initialled Deed of Settlement – sets out the terms and conditions that the Crown and Whanganui Iwi agree will be in the settlement of Te Awa Tupua claims. The initialled Deed of Settlement will be presented to Whanganui Iwi for ratification;
 - c. Signed Deed of Settlement – after it is ratified the Crown and Whanganui Iwi representatives jointly sign the Deed of Settlement;
 - d. Settlement Legislation – settlement of the claims of Whanganui Iwi is effective once a suitable governance entity has been established to hold and manage settlement redress and the required settlement legislation receives the Royal Assent.

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Release of Information

6. Te Awa Tupua Negotiating Committee and the Crown Negotiators agree:
 - a. That negotiation will be conducted in private (non-public) and will remain confidential unless agreed otherwise (such as when consultation with third parties is necessary) or when the Crown is required to release information under the Official Information Act 1982 (“the Act”);
 - b. Where a request is made under the Act, the Crown Negotiators will inform Te Awa Tupua Negotiating Committee and, within the constraints of the Act, enable them to comment on the content and process for the release of the information. The Crown will accordingly and, in good faith, give consideration to those views;

Communication

7. Te Awa Tupua Negotiating Committee and the Crown Negotiators agree to advise each other on a regular basis on internal consultation procedures and any consultation with third parties regarding the progress of formal negotiations to ensure the principle of “no surprises” is maintained.
8. Te Awa Tupua Negotiating Committee and the Crown Negotiators shall consult with each other prior to the release of any media statements.
9. Te Awa Tupua Negotiating Committee and the Crown Negotiators agree to work towards a joint communication strategy for third parties. These parties will include the public and wider Whanganui River community, local authorities, Non-government Organisations, and other parties likely to be impacted upon by the Settlement.

Decision Making

10. Te Awa Tupua Negotiating Committee and the Crown Negotiators acknowledge the respective conventions and requirements of the other in terms of decision-making during formal negotiations. Te Awa Tupua Negotiating Committee and the Crown Negotiators acknowledge that:
 - a. Te Awa Tupua Negotiating Committee decision making and consultation with Whanganui Iwi during formal negotiations will follow the structure and processes outlined in the Matua Iwi Negotiation Framework Agreement;
 - b. Crown decision making and consultation with Ministers during formal negotiations will be consistent with Cabinet Office manual requirements and interdepartmental processes.

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Whanganui Iwi

11. For the purpose of negotiation and settlement of Whanganui Iwi claims to Te Awa Tupua, Whanganui Iwi means all uri, hapū, whānau and other groupings of Whanganui Iwi.

The Crown

12. The Crown:
- a. means Her Majesty the Queen in right of New Zealand; and
 - b. includes all Ministers of the Crown and all government departments; but does not include -
 - i. an Officer of Parliament; or
 - ii. a Crown entity; or
 - iii. a State Enterprise named in the First Schedule to the State-Owned Enterprises Act 1986.
13. The Crown Negotiators are led by the Office of Treaty Settlements. The Office reports to the Minister in Charge of Treaty of Waitangi Negotiations.

Genesis

14. Te Awa Tupua Committee and the Crown Negotiators acknowledge the Minister in Charge of Treaty Settlements' commitment in her letter to Mr Archie Tairaroa on 12 November 2002 that to the extent that the settlement includes Crown undertakings or commitments that impact on all or any aspects of the Genesis consents, the Crown will give effect to those commitments by taking whatever steps are appropriate and necessary, including the introduction of legislation relating to the rights and current and future use of the river. At the conclusion of the Deed of Settlement the Crown will use its best endeavours to immediately introduce settlement legislation.

Amendments

15. Te Awa Tupua Negotiating Committee and the Crown Negotiators acknowledge that it may be necessary to amend this document from time to time and agree that all amendments must be approved by both parties and recorded in writing.

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Formal Agreement on Terms of Negotiation

16. Upon formal signature of this document, Te Awa Tupua Negotiating Committee and the Crown Negotiators confirm their commitment to abide by the terms of the document in good faith and the spirit of goodwill.

For and on behalf of the Crown Negotiators:



Andrew Hampton

Director of the Office of Treaty Settlements

For and on behalf of the Te Awa Tupua Negotiating Committee:

Authorised Signatory: _____

Printed Name:

Brendon Tiwaha Puketapu

Date:

024/024/03

Authorised Signatory: _____

Printed Name:

Graham Bell

Date:

20/03/03

Authorised Signatory: _____

Printed Name:

Rumatiki Linda Henry

Date:

20.3.03

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Authorised Signatory:  _____

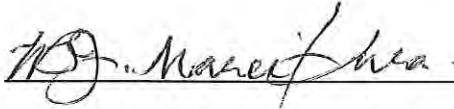
Printed Name: Te Kenehi Mair

Date: 20/3/03

Authorised Signatory:  _____

Printed Name: Piripi Haami

Date: 20-3-03

Authorised Signatory:  _____

Printed Name: Whakataumatatanga Mareikura

Date: 20-03-03

Authorised Signatory:  _____

Printed Name: Robert Cribb

Date: 02/04/03

Authorised Signatory:  _____

Printed Name: Rangimarie Ponga

Date: 02.04.03

Authorised Signatory:  _____

Printed Name: Marina Williams

Date: 02/04/03