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Abstract

The Crown and Waikato Tainui has been having conflicting standards in the management of the Waikato River. The report is basically giving details on the background of the different stands that each team has pertaining the river and how the conflict resolution was approached.

Tainui believes that the river lies in their ancestral land and that the Crown has not right interfering with the management of the river and its resources. This initiated the need for a deed settlement between the two parties. The deed settlement was signed in august 2008 and this brought the genesis of shared management of the River. The primary objective of the deed settlement was to ensure that the safety and health of the river were kept so that it would benefit future generation.

There two parties are required to compromise the stands and accommodate the other party so that the agreement would work well. The Waiko Tainui has some special attachment with the river that they demanded the Crown in respect. This is the spiritual, cultural and physical relationship and the authority or right of control of the river. The Waikato Tainui is required to understand that the Crown took the land with the intentions of developing the country's economy by providing fundamental items like stormwater, farm electricity and waste water system. The understanding would give them a ground to grant the Crown the forgiveness for taking their land away. Some factors such as the pollution on the river which took place when the Crown was in charge of the land should be overlooked. The parties should put their effort in plans that will assist them reclaim the quality of water in the Waikato River.

Importance of Waikato River Case study

The Waikato River case study is a very important example of a dispute resolution where the involved parties negotiate and come to an agreement without considering the previous harms. The two parties in the case study abandoned the pains and suffering that they underwent and agreed to live together. This is a perfect example of illustrating an ideal co-management. The idea behind this kind of conflict resolution is the ability of the involved parties to stick to the promise and move past the conflict with an intention of developing a resilient and effective natural resource management. It is significant because it portrays equitable and appropriate governance. It also enhances management tasks like long term planning, data gathering, logistical decisions and allocation.

Challenges

The key challenge about this case study is that it is not easy to achieve consensus between two parties that have been enemies for quite long. Another challenge is a mutual coordination especially if the conflict involves a large group of people. It is impractical for two groups which have had conflicts for a long time to simply agree.

Limitations

There are limitations in this study. One of the limitations is that it is hard to understand the real issues that are facing a community. They might be hiding something for the sake of face value. They might not be open to the real causes of their anger towards the other party. Another limitation is that

the two parties could be pretending that they are in good terms and yet they are still grieving from inside. It is hard to know if the conflict is really over.

Introduction

Waikato River is a critical asset to the native tribe. Waikato Tainui being the dominant tribe holds special and cultural and spiritual link on the river and hence it becomes their role and responsibility to protect and safeguard it.

Considering that the river was named after the Waikato Tainui people, the people consider the river as their sole provider of both protection and food.

Source: <http://www.lgnz.co.nz/assets/Uploads/Our-work/CME-000000507784.pdf>

The land was converted to a commercial property when the Crown confiscated the land five decades ago. Economic activities such as farming, generation of electricity, treatment of wastewater and storm water became the key economic activities in the river. The health and state of the river were negatively affected by the changes what were brought about by the agricultural and industrial activities being carried out in the Waikato River. The complaint (raupatu) was forwarded by the Maori with the intention of gaining the sovereignty and authority of the river. When the claim was rejected, there was a lot of dissatisfaction in the Waikato Tainui community since they felt that the Crowns have dominated them over their rightful property.

My case study for the dispute resolution is Waikato River. This is a 425 KM river which starts from the eastern slopes of Mt Ruapehu and empties into the Tasman Sea. The river forms the Huka Falls and flows throughout the Hamilton City. When the Crowns took over the management of the river,

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nine hydroelectric stations were established in the eight dams which were constructed along the river. The river produces approximately 13% of the electricity that is used in the country. The thermal power station located in Huntly also sources its cooling water from the river. The aquatic organisms in the river survive because the temperature of the water that gets back to the river is regulated at 25 degree Celsius. The river is also a very crucial facility for recreational activities such as rowing, jet skis and skiing.

History of the claim

This claim referred to as Waikato Raupatu came into existence when the Waikato Tainui People formed Kiingitanga in the 1858. The Kiingitanga was a movement initiated by Maori people with an intention of having a monarchy in their land. This was as a result of fear of the British government taking over the Waikato land (Van Meijl, 2013). The council of elders of the land believed that the Kiingitanga would protect the native and block the Britons from taking over their land. The British government started a war by sending its soldiers to New Zealand and particularly Waikato where more than a million acres of land including the major river was taken away by the British settlers.

Source: <http://eric.ed.gov/?id=EJ563154>

There were severe socio-cultural adversaries as a result of the war and grabbing of the land. The most affected group was the Waikato Tainui. This is basically a New Zealand's Maori Iwi confederation, iwi Hauraki, nesian migrants that NgātiManiapoto, Ngāti ate the four groups which makes up the Tainui confederation.

The river is considered a sacred place by the people of Waikato. According to

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them, it is an ancestral place which provides them with protection and prestige. This makes the community to accord it a lot of respect. The respect is extended to the living organism in the river. The bond that exists between the community and the river compel them to have a strong urge to ensure the protection of the river for the benefit and well-being of the generations to come.

Human settlement encroached after the British settlers took the land away. Several economic activities started along the banks of the river. Though the British settlers had the intention of improving the economy of the country, the idea was not welcomed us by the community as they perceive it as a source of pollution and deterioration of the well-being of the Waikato River. The waste product from the farming and other economic activities which were carried out along the river negatively affected the aquatic life.

The row between the two parties existed for more than 120 years. The Tainui iwi tried to get back their rightfully owned property from the colonialist but the Raupatu claim settlement which was agreed in 1995 did not yield any fruit in regards to the Waikato River. This resulted in more claims which eventually lead to the signing of another deed of settlement in August 2008. The settlement came up with a compromised agreement where both the crowns and the Waikato people shared the management of the River.

The state of the River

According to Martins (2011), river Waikato is subjected to a monthly test which is carried out in ten sites from Taupo and Port Waikato (APPENDIX 5). The quality of water drastically drops between Lake Taupo and the end of the hydro dams. The amount also reduces as the water passes through the

nine hydroelectric power stations located in the dorms. The slow movement of water becomes an ideal condition for the growth of water weeds, especially the floating algal cells. The clarity of the water is pathetic downstream. In fact, the water is unsafe for swimming because of high levels of bacteria. The degradation of the land along the river reflect the extent of poor water clarity around the area.

Source: <https://researchspace.auckland.ac.nz/handle/2292/5938>

Discussion

The deed of settlement agreement was to arrive at a mutual agreement between the two involved groups of people. It became critically important that the differences between the two communities (Crowns and Maori) are put aside so that Waikato River is restored and maintained. The mediation needed to put into consideration the conflicting views of the two communities so that a mutual agreement is met (Te Aho, 2010). This was the most appropriate way of reducing the enmity between the Crowns and the people of Waikato.

The native community respected the river because it was a source of their protection and power. They considered it as a place of ancestors which provides them with manna and mauri. The River in this context includes the source, the mouth, the waters, wetlands, the aquatic life and the banks. The invasion of the white settlers paralyzed the Kiingitanga's ability to manage and control the river and its resources. The management of the river and its resource was unwelcomed by the people of Waikato. It became an issue which required a permanent solution to the community (Steenstra, 2009). Conversely, the Crowns considered the river as a perfect solution to the

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economic challenges that would arise as a result of the rapidly growing population. The British settlers started managing the river and the surrounding in the otherwise modernized way of draining the wetlands, building dykes and creating dams. They started hydro power station, dairy farming sewage treatments and stormwater drains. To the Crowns, the river was a very powerful source of money. For them, the ecological and environmental implications of the river were not a priority. The outcome of these agricultural and economic activities was deterioration of the health of the river and the pollution (Steenstra, & East, 2009).

According to the study, the inception of Wairakei power station in 1850's has increased the amount of poisonous fluids from the geothermal being drained into the river. The regional council of Waikato warned that swimming in the river was no longer encouraged because of the high level of nitrate, phosphorus and bacteria. The situation was worsened by the waste products from factories, urban settlements and sewage systems (River, 2013).

There is also the pollution from the power station build adjacent to the river where the water from the river is used in the power station to cool the turbines. The natives forwarded several complaints and appeals to the government to put in place legislation governing the use of water and the safety of the aquatic animals in the river. The government for a long time disregarded the complaints of the natives until 1991 when the Resource Management Act was introduced to protect the aquatic organisms. The legislation ensured that the temperature of the water is maintained at 25 degree Celsius and also limited the amount of water being drawn from the river. The move was a great step for the Waikato Tainui people as it was a

step towards regaining the lost glory. Unfortunately, the agreement that was arrived at in 1995 did not gather for the natives in regards to the Waikato River.

The end to the conflict was arrived at in august 2008 when a deed of settlement was signed. The British settles (Crowns) where the control and management of the land was given back to the Waikato Tainui people and the Crown were privileged with the exclusive right to buy land which is sold by the Maori (Mahuta, 1995).

Waikato Tainui believes that the river lies in their ancestral land and that the Crown has not right interfering with the management of the river and its resources. This initiated the need for a deed settlement between the two parties. The deed settlement was signed in august 2008 and this brought the genesis of shared management of the River. The primary objective of the deed settlement was to ensure that the safety and health of the river were kept so that it would benefit future generation (Douglas, 2001).

The solution was arrived by compelling those two parties to change their stand. The two parties are required to compromise the stands and accommodate the other party so that the agreement would work well. The Waikoti Tainui has some special attachment to the river that they demanded the Crown in respect. This is the spiritual, cultural and physical relationship and the authority or right of control of the river. The Waikato Tainui is required to understand that the Crown took the land with the intentions of developing the country's economy by providing fundamental items like stormwater, farm electricity and waste water system (Walling, Small-Rodriguez, & Kukutai, 2009). The understanding would give them a ground

to grant the Crown the forgiveness for taking their land away.

The Waikato had to accept that the Crown's intention with on the river was purely for economic development. On the other hand, the Crown was to acknowledge the Waikato Tainui's attachment to the River. They lastly settled on a co - management plan whose vision and strategies focused primarily on the restoration of the health well-being of the River.

Conclusions and Recommendations

Waikato river has been a source of conflict between the Waikato Tainui and the Crown. It was necessary that the issue be managed for the sake of the wellbeing and health of the river and its aquatic life. While the natives held special social and spiritual attachment to the river, the Crown took it to be a good platform for social development to accommodate the ever increasing population. Both groups needed to come to a mutual agreement so that the co-management of the Waikato River is achieved.

The following recommendations were given if the two groups wanted to continuously and mutually benefit from the river:

- The two communities should appreciate their difference in culture and accept each other.
- The two communities (Waikato Tainui and Crown) need to forgive each other and forget so that their relationship is strengthening for the purposes of safeguarding the river.
- Join hands and fully commit themselves in working towards restoring and maintaining the river

The solution that was brought about by the deed of settlement can be said to

be a first step solution to the conflict. However, the deed is just a document. It is upon the participant to take it positively and ensure that they stick to what was agreed upon. This may be easy to say but implementing it can be a real task.

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Glossary

Iwi- Māori word for a set of people bound together by descent from a

common ancestor or ancestors. Literally: bone. Modern meaning: tribe

Kiingitanga- A Maori movement in New Zealand intend to unity the Maori hereditary kingship and restrain individual chiefs from selling land

Mana- A concept of a life force, believed to be seated in the head, and associated with high social status and ritual power. Any power achieved by ritual means; prestige; authority

Maori- A member of a people of New Zealand, of Polynesian-Melanesian descent.

Raupatu- the confiscation or seizure of land

Waikato Tainui- A tribal waka confederation, there are four principal tribes that comprise the Tainui waka. They are: Hauraki, NgaatiManiapoto, Raukawa and Waikato.

Conflict resolution - the strive to have the difference between two conflicting parties come into good terms again

Crown - A tribe that has been in conflict with Waikato Tainui

APPENDIX 1: Waikato River

Source: (Van Meijl, 2003)

APPENDIX 2: Waikato Map

Source: (Van Meijl, 2003)