

Looking Back – Looking Forward? Institutional aspects of New Zealand approaches to nature conservation

Introduction

This issue of *Policy Quarterly* examines the issue of governing human-nature relationships for the future. This article aims to provide context by examining the history of how New Zealand's institutions for nature conservation have developed. Some may argue about the strengths or weaknesses, effectiveness, efficiency or legitimacy of New Zealand's conservation governance. But understanding what it is, and how it came about, provides a platform from which to look at the future.

New Zealand has a reputation as a 'clean, green' country with abundant nature. New Zealanders say they like to associate with their natural surroundings. Just how 'clean and green' New Zealand really is, and just how much New Zealanders' national values draw from a nature association, is debatable. What is not in dispute, however, is that nearly 33% of the country is subject to comparatively

strict forms of nature protection. An edifice of laws and regulation condition how people interact with nature. This system of protection, management and regulation did not spring up unbidden. To understand New Zealand approaches to nature conservation it is instructive to look back in order to appreciate both current institutional designs of rules and organisations and, to some extent, social attitudes towards human-nature interactions.

This article examines four features, which, it is argued, have given rise to the governance arrangements that exist today. These are: the context of New Zealand's development as a recently settled country; colonial and subsequent 'nation-building' institutional ideas over about 150 years, up until the mid-1980s; institutional design and reorganisation flowing from a radical reordering in the late 1980s and early 1990s; and a recent re-emergence of Māori values and

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interests in management and governance. These influences, both individually and collectively, help explain current New Zealand approaches to governing human-nature interactions. Furthermore, they may provide indications of what lies in the immediate future.

New Zealand's human-nature interaction context

Distinct natural features underlie New Zealand approaches to nature conservation. New Zealand is biophysically unique, with high levels of species endemism, very active tectonics, and diverse climates and landforms (Myers et al., 2000). Its non-mammalian ecology and isolation made it (and continue to make it) highly susceptible to impacts from invasive species (Mack et al., 2000; Logan, 2001). In coastal, lowland and some mountain areas, pre-human landscape and ecology have been almost entirely modified or replaced over a very short period of time (Molloy and Enting, 1982). Nevertheless, there are also large areas of semi-intact pre-human ecology, especially on offshore islands, in the mountain lands of the South and North islands, and in much smaller areas of lowland forest and wetlands (Ministry for the Environment, 2007) – one of the reasons for the large extent of publicly protected lands in New Zealand compared with many other countries.

The human dimensions of nature conservation also have distinctive characteristics. Human arrival is extremely recent in global terms, probably dating from the late 13th century (McGlone, 1999). Although human arrival is recent, and the population comparatively low, however, the impact on nature has been massive and resulted in species extinctions in a very short space of time, and whole-scale transformations of the landscape (Molloy and Forde, 1980). Nevertheless, despite human impact, large areas (especially mountain lands) are not permanently inhabited due to extreme climate, land instability and access problems. This affects management regimes, and how people interact with and relate to those areas (Holloway, Johns and McCaskill, 1982).

Over time, New Zealand has experienced increasing impacts from

developmental pressures of land use, industry and population similar to those found in many developed countries, although the intensity of environmental pressures from manufacturing industries is comparatively lower, and primary industry and natural resource use as a proportion of the overall economy comparatively higher (OECD, 2007). Finally, data from surveys, and simple geography, suggest that, compared with other countries, a large percentage of New Zealanders visit and use protected areas and enjoy the natural environment, one factor which most likely contributes to the public valuing and its support for protected areas (Department of Conservation, 2014).

progressive approach to nature protection and variable approaches to wider environmental protection (Bührs and Bartlett, 1993).

Māori settlement, despite low population density and limited technology, was accompanied by widespread deforestation and a large number of faunal extinctions, some resulting in food resource depletion (McGlone, 1989). Māori society adjusted to New Zealand environmental conditions and evolved values, standards and behaviour (tikanga) for the protection of special places and species, maintenance of food supply and protection of human health. Management was kinship- and culturally-based. Māori environmental tikanga was

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These natural and human dimensions have helped shape approaches to nature conservation in New Zealand. So too has history.

Arrivals, impacts and adaptations

The first stage of New Zealand's nature conservation development can be seen as one of arrival and impact: of Polynesian Māori and then Europeans (predominantly British), with, by the late 20th century, increasing numbers of immigrants from the Pacific and Asia contributing to a more multi-ethnic community.

Arrival and impact were followed by recognition of loss, accompanied by appreciation of value, and then adaptation of practices and control of behaviours. These successive phases characterise both Māori and European experience of human-nature interaction (Young, 2004). Recognition of loss and appreciation of value are one reason for a dichotomy between a comparatively

then effectively supplanted (but never completely eliminated at a local level) as the dominant system of environmental governance following large-scale European settlement in the mid-19th century (Ballara, 1999; McGlone, 1989; Roberts, 1995). Aspects of traditional Māori tikanga began to re-emerge in the late 20th century, empowered by the Treaty of Waitangi settlement process (Office of Treaty Settlements, 2013). As a result, Māori interests towards nature conservation – albeit modified by 150 years of experience – are beginning to partially reshape institutional arrangements for conservation management in New Zealand.

European settler development patterns that followed Māori involved even further changes to the natural environment, through settlement, farming, fishing, and quarrying the land for timber and minerals. Transformation of the landscape and nature became

the dominant paradigm institutionally and culturally for nearly 150 years (Belich, 1996, 2001; King, 2003). Nature conservation and environmental concerns, where they existed, sat at the edge of political consciousness. But over time, and episodically, political consciousness shifted (Young, 2004). The sense of loss, a sense of the value of indigenous nature, and a sense of belonging in the landscape gave rise to political and institutional challenges to the developmental paradigm (Pawson, 2002).

Phases of nature conservation institutional development, and explanations

The literature on the history of efforts to constrain developmental impacts and promote nature conservation in

1890s to the First World War (Thom, 1987); from the early 1950s to the mid-1980s (Galbreath, 1993; Roche, 2002); and after 1987 (Young, 2004). The first phase, borrowing institutional ideas from Britain and the United States, saw the creation of the embryonic legislation for national parks (individual acts for each park) and reserves (particularly the Scenery Preservation Act 1903), and a system of management by local boards overseen by the Department of Lands and Survey. This second feature, local management and direction (a legacy of twin Public Reserves and Public Domains acts of 1881), arose as a practical means of management for 'charitable, educational and recreational purposes' in a country of light population, limited bureaucracy,

all, a principle fought for by recreation organisations) (Thomson, 1975).¹ It saw the environmental protection elements of legislation taken further. Between the late 1940s and early 1950s, encouraged by ideas of scientific management, many key ideas that are now part of New Zealand's environmental legislation emerged. Legislative developments included soil and water conservation measures in 1947 and a revised Town and Country Planning Act in 1953 (together predecessors of many aspects of the Resource Management Act 1991), the National Parks Act 1952, the Wildlife Act 1953 and the Reserves and Domains Act 1953 (Roche, 1994, 2002; Thomson, 1975). The number of new protected areas expanded rapidly in the 1950s, and then slowed. Environmental management capability in the major developmental government agencies also grew during this period (for example, through the Department of Lands and Survey's parks and reserves section, land use planning and the Water and Soil Directorate in the Ministry of Works and Development, expertise in the New Zealand Forest Service, and the wildlife section of the Department of Internal Affairs) (Roche, 2002).

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New Zealand tends to emphasise two features: protecting iconic natural places, epitomised by national parks, and protecting native species – in effect, tall forest species (especially kauri) and wildlife (especially marine mammals and birds) (Thom, 1987). This literature also places much emphasis on the actions of individual advocates and reformers; the iconography of national parks and endangered birds (an iconography that helped motivate and mobilise public opinion for nature conservation); the influence of romanticism about scenery and landscape; ideas of fairness, free access and collective ownership; and, more recently, ideas about justice, especially to redress past wrongs. Less attention has been paid to the enduring aspects of some institutional features. Understanding the evolution and drivers of institutional arrangements in the 19th and 20th centuries is important, as they helped shape many of the key arrangements we have today.

There were essentially three broad institutional evolutionary phases: the Liberal government era from the late

geographical isolation and dispersed communities. This idea of local influence on management, while morphing in intent over time, has remained a persistent feature of New Zealand's protected area management (Thom, 1987).

Motivations behind the first phase arose from battles to constrain wholesale destruction of vast areas of native forest and prevent ongoing faunal extinction (epitomised by the loss of the spectacular huia); recognition that natural features were great tourism attractions; a growing sense of (Pākehā) national identity ('parks for the people' and common heritage); and political realism – protecting things that didn't too overtly challenge the developmental paradigm, thus favouring protection of 'unused' and very sparsely or non-inhabited mountain lands (Nightingale and Dingwall, 2003; Thom, 1987; McClure, 2004). The second phase occurred after the Second World War. It re-emphasised many of the motivations of the first phase, embedding some of them further (such as the concept of common heritage and free access for

By the mid-1980s the governmental approach to nature conservation was in essence a divaricated centrally-run system. It was overseen by a group of large, well-resourced government departments with mixed functions (though with development or administrative responsibilities dominating). It involved a network of protected areas run largely by the development-oriented New Zealand Forest Service and the Department of Lands and Survey, a soil and water conservation and land use planning regime overseen by the Ministry of Works and Development (but operationally run by a network of regional catchment boards), and wildlife protection undertaken by the small Wildlife Service of the Department of Internal Affairs (Roche, 2002). But the system retained some elements of public and local input going back to the 1880s and the boards of management. These instruments partly mediated departmental technocratic domination by requiring management plans with public input and advice from

parks boards (ministerially appointed, but with the possibility of public scrutiny of those appointments) (Thom, 1987; Roche, 1990). The retention of this last feature was distinctive compared with many overseas jurisdictions.

The third phase of nature conservation development occurred through revolutionary public administration changes in the late 1980s and 1990s. Non-government environmental organisations had long been dissatisfied with what they regarded as poor nature conservation results flowing from the development orientation of government agencies and fragmented legislation. They wanted a clearer institutional and organisational base for conservation (Young, 2004). At the same time, a group of ministers and officials at the centre of government determined to introduce a singular form of contract-based public management which, in institutional terms, emphasised clarity of purpose enshrined in legislative and organisational design (Boston, 1996). The result was a classic example of a policy 'window of opportunity'. A new system of environmental management was introduced. General environmental management at a national policy level became the responsibility of a new Ministry for the Environment (established in 1986), which oversaw a generic act, the Resource Management Act 1991, which applied sustainable management principles to all aspects of land, air and water use (Young, 2001). A new approach to marine management instituted transferable property rights for fish quota, combined with (variably applied) precautionary principles, under the Fisheries Act 1996 (although a comprehensive approach to marine management based on environmental principles did not eventuate until 2013) (McGinnis, 2012).

In the nature protection arena, non-governmental organisations (NGOs) were determined to create their ideal institutional arrangements (Young, 2004). These arrangements involved a mix of novelty and continuity.² Nature conservation became a more significant feature of wider environmental management than in the past through provisions in the Resource Management

Act (section 6: matters of national importance). However, the key changes sought, and achieved, by nature conservation NGOs were an overarching Conservation Act (1987) which subjected all activity on public protected lands to a strict nature conservation priority. In addition, a new Department of Conservation was created, which took on the nature conservation responsibilities and the managerial and scientific capabilities of the old development agencies (which were abolished) (Young, 2004). Nevertheless, old legislation, such as of the National Parks Act, Wildlife Act, Reserves Act and Marine Reserves Act, remained, albeit subject to the priorities

(comprising nearly 30% of the country's land area, and a relatively small marine area),⁴ while its role also included actively promoting nature conservation in the wider environment. And third, a form of statutory public oversight of the management of publicly-owned lands was created. There was also a fourth priority, but it was slightly unclear at the time. This was a direction in the Conservation Act 1987 (section 4) that the system had to give effect to the principles of the Treaty of Waitangi, signalling that Māori interests were to be a feature of management and governance.

Treaty of Waitangi issues have given rise to a new, fourth phase in conservation

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of the Conservation Act. The result, overall, increased the level of protection for public lands.³ A key monitor within this system was a regional and national version of the old reserves and parks boards. The new conservation boards and New Zealand Conservation Authority were given statutory responsibility for developing (and in the case of national parks approving) policies and objectives for management of public protected places – a mechanism that from time to time sees a dynamic tension with the technocratic impulses of the Department of Conservation (Department of Conservation, 2007, 2013; New Zealand Conservation Authority, 2005).

Thus, three internationally distinctive elements to this system emerged. First, all activities in public protected areas were subject to an overarching priority for nature conservation. Second, a national agency was created to integrate all management functions related to publicly-owned protected areas

management in New Zealand. It is one which has seen greater empowerment of Māori interests. The primary vehicle for change is the settlements negotiated between the government and individual Māori iwi and hapū through the Waitangi Tribunal to provide redress for government actions over the past 150 years. More than 50 finalised settlements have altered a number of arrangements for governance, land ownership, land management, species management and conservation programmes. The settlements are designed to protect wahi tapu (sites of spiritual significance) and wahi whakahirahira (other sites of significance), sometimes through tribal ownership or guardianship (kaitiakitanga); recognise special and traditional relationships with the natural environment, especially rivers, lakes, mountains, forests and wetlands, by giving claimant groups greater ability to participate in management and requiring decision-makers to be aware of such

relationships; and give visible recognition of the claimant group within their area of interest (Office of Treaty Settlements, 2013). The number of settlements, their detailed nature, and their attempt to dovetail a Māori cultural 'overlay' with other national and local community interests in nature conservation are distinctive in an international context. The redress, by and large, tends to adapt existing institutional arrangements by providing for stronger Māori input, and in some cases control: through, for example, formalising input into policy; representation in management of places and species; some changes to land classifications, or through special

second phase), and priority accorded to nature conservation (enshrined in the third phase).

Looking forward

What are the challenges that lie ahead for protected area management in New Zealand? The following list is in no particular order:

- meeting the technical, social and economic demands of trying to arrest biodiversity decline, including addressing the serious impact of invasive species;
- whether new migrant communities will adopt current dominant values regarding protected areas;

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legislation; and formal consultation regarding applications for activities (especially commercial) in protected areas (Office of Treaty Settlements, 2013; Harris, 2015; Bennion, 2014). Areas of tension exist, however, about concepts of ownership, use rights and commercial preferences (Forster, 2014).

The detail, extent and depth of Māori involvement, direction and consultation in management of protected areas and nature is now materially different from what it was 20 years ago, let alone 100 years ago. Direct involvement and consideration of Māori interests is now fundamental to policy and management. This principle, arising from the fourth phase of institutional development, has added an additional factor alongside a number of enduring elements from the past: the idea of community representatives having a voice and role in management and policies (developed in the first phase of institutional development), ideas about common heritage and the principle of freedom of access (enshrined in the

- maintaining or increasing funding for conservation management, essentially a large-scale public good operation;
- managing incipient tensions between, on the one hand, varying attitudes within Māoridom to governance of protected areas, and current public expectations about management and access;
- reliance on an effective, single large government management entity, and challenges in maintaining its effectiveness (and accompanying public support);
- whether the current, comparatively strict public attitude to limiting commercial use will endure; and
- how, and whether, to respond to the ecological effects of climate change.

Of these various challenges, three are more prominent. The most pressing issue in the short term is the decline in indigenous biodiversity. This is one of New Zealand's most severe environmental pressures, due largely to the impact of invasive plants and animals (Ministry for the Environment

and Statistics New Zealand, 2015). There are current and possible new technological responses. New Zealand is a world leader in pest control technique, but these are highly expensive and rely on applying good research to the field. They require, too, maintaining public support for some controversial tools, such as the use of existing and new toxins and possibly genetically modified organisms (Parliamentary Commissioner for the Environment, 2011). Holding the line also relies on an effective biosecurity regime, both internally and at the border (Department of Conservation, 2000). Climate change is likely to increase the biodiversity protection challenge through new invasive species that would not have survived in New Zealand's current climate, and rapid change in habitat and climate-related ecological characteristics (Christie, 2014).

New Zealand currently has a high level of inward migration and a changing ethnic and cultural mix. New migrant communities have, to date, shown signs of valuing the current norms regarding nature conservation, although there is some evidence of lower participation rates in terms of visits to public conservation lands (Department of Conservation, 2015). Department of Conservation engagement programmes in Auckland suggest that a nature focus is one of the key motivations for migrating to the country or choosing it as a refugee destination. There is little evidence of any significant differences in attitudes to nature (Lovell et al., 2011, 2013).

Current public norms seem to reflect a cautious attitude to commercial activity in protected areas, certainly as far as extractive industries are concerned. Proposals for mineral prospecting in national parks in 2010, for example, resulted in a rare instance of large-scale public street protest; the proposals were quickly abandoned (Nippert, 2010). The extent and depth of feeling against the mining proposals suggest the high degree to which New Zealanders value their national parks as a common heritage. However, these norms have yet to withstand the impact of a severe economic downturn or of significant overseas conflict putting pressure on access to resources.⁵

Within Māoridom there are varying views about protected areas. These reflect different iwi and hapū tikanga, relating to spiritual-cultural values of places and species, cultural uses, attitudes to purely commercial uses (and distinguishing cultural and 'pure' commercial uses is the subject of often intense internal debate), and the extent to which traditional cultural practices should also apply to non-Māori. In the one place to date where this issue has been tackled at scale, Te Urewera, the results have been encouraging, demonstrating the capacity to accommodate a broad church of views.⁶ The Te Urewera initiative may provide a blueprint, or it may reflect the special circumstances of an iwi with deep cultural norms, the specific history of Te Urewera land alienation, and strong leadership through the combined Tūhoe/Crown board of management. It may not be replicable elsewhere. To what extent these arrangements, or any permutations, could work in places of greater non-Māori association (such as Tongariro National Park, Taranaki, or in any pressure to revisit the Ngāi Tahu settlement regarding the main South Island national parks) remains an open question.

Finally, what of the existing institutional arrangements? Changes brought through the Waitangi Treaty settlements have been described earlier. Greater public recognition of the value and aesthetics of indigenous New Zealand nature, better tools to combat biodiversity loss, and significant successes in some places have increased direct individual and community involvement in nature conservation activity (Forgie, 2001). This trends alone has altered some institutional arrangements (such as internal Department of Conservation structures, funding mechanisms, representation on conservation boards and Māori consultation). But changes that have occurred have been more in terms of representation and voice than any fundamental alteration of the basic premises of protection and management.

There remains a question about the level of taxpayer investment in managing protected areas, which some argue is too low (Press, 2015). Centre-right governments tend to be parsimonious and

centre-left governments more generous. The Department of Conservation's annual budget was cut significantly in the late 2000s compared with many other agencies', reflecting where the priorities of the National-led government then lay, but has been less constrained recently, probably reflecting a greater appreciation by that government of the value of both protected areas and the work of the department. Having said that, managing protected areas successfully in New Zealand depends very heavily on the expertise, nationwide reach and critical mass of the department. New Zealand is a small country with a small pool of conservation research and field expertise.⁷ Any future shortcomings or management failures by the department (such as

been shaped by a combination of ideas and people that have assigned a special value to New Zealand's nature. Such value has been expressed in different ways with differing emphases over time (for example, as spiritual value, scenic value, scientific value, heritage values, fairness in access, intrinsic value, and justice). What this article also argues is that a third category of institutionalism has been at play, that of empirical or historical institutionalism, helping to shape legislation, policies, management and organisations (Putnam, Leonardi and Nanetti; 1993; Peters, 2008). While arguments of historical determinism can be overplayed, there are echoes of the past embedded in today's institutional arrangements: Māori traditional approaches (recently re-

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an extinction of an iconic species, for example) could very likely lead to loss of public confidence and calls for changes to institutional arrangements, depending on the political climate or how those in positions of influence reassess the principles of the current arrangements.⁸

Conclusion

The purpose of this article has been to help understand how and why New Zealand's system of conservation management has evolved. The argument made is, first, that New Zealand's conservation management has been conditioned by the unique biophysical conditions of these remote islands and the brief and turbulent human impacts. Knowledge of the extent of impact and loss, as well as active campaigning by individuals and groups, may well be a reason for the comparatively high level of legal protected status and an emphasis in institutional terms on nature protection rather than wider environmental issues. Second, the system's institutional characteristics have

empowered) to nature protection; New Zealand localism empowering local voice and action, beginning in the 19th century; the technocratic management of the mid-20th century (and beyond); and the determined influence of environmental NGOs, as well as some public servants and ministers, in creating a priority for nature protection above other activities.

It is always risky to predict the future (as attempted in the preceding section), just as it is easy to overemphasise historical determinism. Certainly, there are challenges which will require adaptation of current institutional arrangements. Nevertheless, there has been a strong element of continuity in New Zealand's nature protection approaches, though punctuated by periods of change. We are in one such period at present with Treaty settlements. While the current phase is still to play out and some tensions remain, the general trend for the immediate future seems to point to a consolidation of the Treaty settlement results, and then melding, through implementation, with

earlier emergent features; a protection priority; access for all; integrated management; and local input, to produce a distinctive New Zealand approach to nature conservation.

- 1 See also the National Parks Act 1980, section 4(2e), and the Conservation Act 1987, section 17(1).
- 2 The nature conservation changes did not entirely align with the theoretical prescription of the administrative reforms of the 1980s. The reasons for this are probably the combination of the timing of the creation of the Department of Conservation, early in the administrative reforms of the 1980s–90s, the level of public support for conservation and an organised conservation NGO campaign to create the

department, the form of existing conservation management resources of the parent departments, and the large extent, specific nature, and overwhelmingly state-centred characteristics of protected lands and endangered species management in New Zealand (see Young, 2004, pp.206–11).

- 3 A potential gap in this general level of protection for some classes of land has been identified by the Parliamentary Commissioner for the Environment (Parliamentary Commissioner for the Environment, 2013).
- 4 This may change if a 620,000km² Kermadec ocean sanctuary is finalised (Ministry for the Environment, 2015).
- 5 In World War Two, for example, some protected forest areas were opened up to logging and mineral prospecting for strategic resources such as uranium.
- 6 <http://www.ngaituhoe.iwi.nz/te-urewera>.
- 7 The Department of Conservation underwent a major restructuring in 2013 to boost greater non-government

investment in conservation activities. The new internal structural arrangements, however, ended up weakening the coherence of departmental field operations (State Services Commission, Treasury and Department of the Prime Minister and Cabinet, 2014; Taribon, 2015). Structural adjustments are currently under way, reinstating aspects of pre-2013 arrangements, in order to strengthen field operational efficiency.

- 8 This occurred at the time of the Cave Creek tragedy in 1995, when 14 people were killed when a departmental viewing platform collapsed. The subsequent commission of enquiry resulted in severe criticism and public disquiet. At the same time, behind the scenes in Wellington there was significant lobbying to change a number of institutional arrangements, including proposals to loosen protection elements of New Zealand's conservation regime.

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