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Governance of National Parks at the Crossroads

New Zealand's silent reform

New Zealand's national parks are major attractions for tourism and recreation, while hosting other commercial activities considered compatible with that primary role, like grazing, commercial filming and renewable electricity production. Commercial activities can only be carried out according to the terms of legal documents referred to as 'concessions' (typically, permits, licences and leases). There are currently 14 national parks, all managed by the Department of Conservation (DOC). Most of the country's native birds, reptiles, frogs, bats and plants are unique in the world, but highly vulnerable to introduced predators and

human activities. DOC has argued frequently that its conservation activities are 'heavily weighted towards the trapping and poisoning of ... introduced animals'. However, 'less than 25% of conservation land receives interventions on key threats, with around 8% receiving possum, rat and stoat control' (DOC, 2014a, p.2).

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The limited availability of financial resources is an important obstacle to implementing the department's statutory biodiversity protection responsibilities. In the recent past DOC's budgetary allocations have increased slightly every year (Office of the Auditor-General, 2012, pp.14-15). However, Treasury documents show that since 2013 there has been a reduction. Table 1 shows the budgetary allocations for 2013/14 and 2014/15, and the split between DOC's main areas of statutory responsibility. The Treasury projections for the years 2015/16–2017/18 indicate that allocations (expressed as 'total funding level for planning') will remain almost static in nominal terms.¹ Given that the conservation estate managed by DOC accounts for a third of the country's area, it is quite clear that DOC is confronted with a serious financial sustainability challenge in relation to biodiversity conservation, while having a wider range of statutory responsibilities to fulfil, related to ecosystem health, recreation and tourism infrastructures, education and advocacy.

The National-led governments since 2008 and their conservation ministers have asserted that they are mindful of the importance of biodiversity conservation and ecosystem health (DOC, 2009, p.5). Nevertheless, the underlying philosophy, expressed in government strategies and policies, is that natural resources can and should be exploited for increased economic prosperity: 'The Government is helping by encouraging business to use our natural resources more effectively, and ensuring they use them responsibly. This includes improvements to the resource management systems to enable faster economic growth while maintaining strong environmental standards' (New Zealand Government, 2013, p.11). In relation to this political vision, the term 'conservation economy' was formally introduced by the conservation minister in DOC's statement of intent for 2009–12 when he wrote the following:

In its totality, conservation plays a critical role in validating the 'clean pure' brand that is the market advantage on which our producers rely. It is increasingly clear that

Table 1: Budgetary allocations for the Department of Conservation

| Allocations per (some) activity, budgeted for or projected | 2013/14 | 2014/15 |
|--|-------------------|-------------------------------|
| Management of natural heritage including the maintenance, restoration and protection of ecosystems, habitats and species | \$164.936m | \$160.303m 37% of the Vote |
| Recreational (including tourism-related) facilities and services, and the management of business concessions | \$148.564m | \$144.993m 34% of the Vote |
| The protection and conservation management of historic heritage | \$5.565m | \$5.996m 1% of the Vote |
| Working with communities to protect natural and historic resources | \$25.500m | \$24.346m 6% of the Vote |
| Total budgeted | \$354.877m | \$338.930m |

Source: Treasury, 2014a, pp.2-3

sound management of our natural areas produces the life-sustaining ecosystem services on which our lifestyle and prosperity depend. These are services such as freshwater yield and storage, soil fertility and stability, and carbon storage. Tourism is New Zealand's largest single foreign exchange earner, and the destinations for both domestic and international visitors are primarily around public conservation lands and waters. The businesses that support and complement tourism are major contributors to our regional economies and local communities. Once we recognise these interdependencies, we can start to capitalise on them to achieve social, economic and conservation gains. This gives meaning to the term, 'the conservation economy'. (DOC, 2009, p.5)

This text is rather unclear as to the governance arrangements that should underpin the conservation economy idea, and the full range of expected outcomes. Also unclear is the status of this idea and how it should be referred to. Is it a narrow government programme to be implemented under existing regulations? Or is it a political project with significant implications for the future governance of the conservation estate?

Section one of this article explains its connection to broader government strategies. Based on what can be gauged from government documents published a few years later, the conservation economy

idea seems to have taken the form of a quite comprehensive governance reform agenda. The introduction of the term was followed by several changes to the 1987 Conservation Act and to some DOC policies and practices, required by the government, to enable easier access of businesses to the conservation estate (New Zealand Government, 2012, 2013). In addition, there have been institutional changes, which are still evolving. For example, DOC in 2013 went through the most radical restructuring in its history. This saw the establishment of partnerships managers and teams at national and regional level, to refocus the department's priorities towards public-private collaborations.² The new partnership approach aims to increase third-party revenues and to enhance the role of volunteering in biodiversity management (Controller and Auditor-General, 2012; Hardie-Boys, 2010).

Therefore, fundamentally the conservation economy is a proposition by the National-led governments that the expansion of economic activities into New Zealand's conservation estate can be done in an environmentally friendly manner, while addressing the challenges surrounding the financial sustainability of biodiversity conservation and the ecologically sound management of the estate. This article explains the main features of the conservation economy agenda as outlined in key government documents, presents some findings regarding its ongoing implementation and implications in terms of governance changes, and raises some concerns

regarding the claimed conservation/environmental benefits from enhanced business access to the conservation estate. It is argued that, while some governance changes appear minor and have been defended based on efficiency arguments, they may have serious consequences for the long-term management of the estate and for the opportunities offered to New Zealanders to have a say in it. Given the potential magnitude and implications of this governance reform agenda, it is surprising that so far there have been no serious societal debates about the

guidelines regarding national park management, and the issue, monitoring and enforcement of concessions for business in national parks;

- a selection of 12 concession contracts for tourism in national parks and 12 concession applications, to appraise the incorporation of biodiversity and environmental objectives/measures. Concession contracts are publicly available only upon request, and the selection was made by the Department of Conservation. Based

national parks; representatives of four conservation boards, regional and national user organisations (tramping, hunting and fishing organisations), and environmental and nature non-governmental organisations; representatives of tourism and recreation associations at national and regional levels, and individual tourism businesses with concessions in national parks.

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implementation of the conservation economy idea, and that media analyses have remained scarce and narrow in scope.

The empirical analyses in this article focus on national parks, paying special attention to tourism businesses as key concessionaires.³ To support these analyses, a short overview is first offered of the legal framework guiding national park governance. 'Governance' in this article refers to all legal instruments, policies, strategies, management plans, permitting provisions and procedures, administrative arrangements, public-private collaborations/partnerships, and societal processes (such as public participation in policy processes) relevant for the particular area(s) of interest (see Meadowcraft et al., 2005 and Dinica, 2013, pp.664-5 for more detailed conceptualisations). In terms of research methods, the analysis draws on the following sources:

- all relevant conservation and environmental laws, policies and

on the author's request, the selection ensured good representation of older and newer contracts for a diversity of activities and facilities in three national parks: Mount Aspiring, Aoraki/Mount Cook and Westland Tai Poutini; together with Fiordland, these national parks form the UNESCO South West New Zealand Wilderness Heritage Area. Further, 12 concession applications were considered that were publicly notified on the DOC website in the period July 2013–March 2015 and concerned tourism operations throughout the conservation estate;

- publicly available documents and reports regarding DOC's legal responsibilities, budgets, restructuring and performance; and DOC media releases;
- 42 interviews.⁴ The response rate for interview invitations was around 38%. Stakeholders who agreed to be interviewed included: DOC staff at head office and in three

Legal framework features

Currently, the main legal framework for national park management consists of the 1980 National Parks Act, the 1987 Conservation Act and all legal revisions of these acts. In addition, the 1953 Wildlife Act is relevant for biodiversity conservation, and some provisions of the Resource Management Act 1991 are relevant for several environmental sustainability aspects of human impacts on national parks. Under the 1980 National Parks Act (article 4.1) DOC is required to preserve 'in perpetuity ... for their intrinsic worth and for the benefit, use, and enjoyment of the public, areas of New Zealand that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique, or scientifically important that their preservation is in the national interest'. The hierarchy of objectives for national park management by DOC, emerging from the legal framework, is clear and, so far, has remained unaltered since the 1980s: 1) conserving nature; 2) educating the public; 3) fostering recreation; 4) allowing for tourism whenever compatible with nature conservation.

Under section 6 the 1987 Conservation Act the department's first responsibility is '(a) to manage for conservation purposes, all land, and all other natural and historic resources ... (ab) to preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats'. While paragraph (a) refers to all natural resources, particular emphasis is given to land and its ecological functions; water resources seem to require protection especially from the standpoint of ensuring healthy indigenous fisheries and recreational fishing. It is important

to note that no reference is made to air quality or climate stability, which can affect the quality and productivity of soils, the quality and availability of water resources, and the health of many types of terrestrial and aquatic fauna (McGlone and Walker, 2011). From this standpoint, New Zealand's legal framework on nature protection is dated: it does not incorporate global policy developments on climate change and air pollution mitigation, and lacks a holistic approach to ecosystem health.

Secondly, the department has education and advocacy responsibilities towards the New Zealand public and tourists (sections 6b and 6d); and further, under section 6e of the Act, 'to the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of natural and historic resources for recreation, and to allow their use for tourism'. Consequently, in the legal hierarchy, recreation is clearly a third responsibility for DOC, while support for tourism activities and infrastructures comes only fourth, provided that the highest-ranked objective – nature conservation – is not being compromised.

Another important feature of the current legal framework is the hierarchy of planning tools for the management of national parks and concessions. De jure, New Zealand has so far been following a system whereby concession contracts are used as tools for implementing the zoning framework set in national park management plans. Under section 17W of the Act, concessions can only be issued within the development limits, and under the terms and processes, specified in national park management plans and higher-order legal/policy tools. In their turn, national park plans cannot derogate from conservation management plans and strategies. At the national level, the latter are guided by the 2005 general policy for national parks, which in turn must be consistent with the legal framework (Controller and Auditor-General, 2012).

In terms of public participation in decision-making on concessions and national park plans, policies and strategies, two main mechanisms are

available: direct input through (rather outdated) participatory mechanisms like written submissions, public hearings and public meetings; and indirect input through conservation boards and the New Zealand Conservation Authority, whose members are appointed by the conservation minister from the general public and conservation stakeholders.

The empirical findings of this study regarding the design and implementation of the conservation economy agenda indicate that it has created significant tensions in national parks governance,

p.5). This is a surprising statement, as it has nothing in common with the hierarchy of legally-prescribed objectives for DOC, particularly with respect to national parks. The department incorporated, quite faithfully, this political priority into its work. In the same document it stated that, 'The Department contributes both directly and indirectly to economic growth, as outlined in the foreword from the Minister of Conservation' (DOC, 2009, p.10).

Since 2009 the National-led governments have designed a Business

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which risk undermining the following current governance features:

- the hierarchy of legally-set objectives guiding DOC's management of national parks;
- the hierarchy and guiding role of management strategies and plans that DOC must respect in approving concessions for business in national parks; and
- the extent and quality of public participation in decision-making processes, ranging from concessions to national park plans and strategies.

The conservation economy agenda and its implications for DOC's de facto priorities

In DOC's 2009–12 statement of intent, the conservation minister wrote that the document 'sets out how the Department of Conservation will contribute to the wellbeing and prosperity of New Zealanders over the medium term' (DOC, 2009,

Growth Agenda, which includes a programme on Building Natural Resources. The resources programme is led by the ministers of seven ministries or departments that are either responsible for the management of natural resources (terrestrial and marine, including water, soil and air) or managing economic sectors that depend on such resources. The group includes the conservation minister, the environment minister, and the minister responsible for the current Tourism Policy Group (the minister for business, innovation and employment). An undated Cabinet paper states that the minister of finance and the minister for economic development proposed 'to organise the government's business growth agenda around the following six key inputs and associated policy issues': capital markets, innovation, skilled and safe workplaces, infrastructures, export markets, and resources, including

‘[p]rimary industries, energy and resources, land use, water, environment (including climate change), local government, and conservation’ (Office of the Minister for Finance and Office of the Minister for Economic Development, undated, p.5). An the annex to the document summarises a 120-point action plan which includes: ‘6 month time limit on consenting medium term projects’; ‘simplifying planning processes for resource management’; and ‘introduce offsetting for pre-1990 forest land owners’ (p.14). The programme aims to increase

Government strategies and policies suggest, therefore, a reshuffling of the de facto hierarchy of objectives for DOC, lifting tourism to the second rank.

Parliament’s Local Government and Environment Committee expressed concerns during the 2010/11 estimates hearing for Vote Conservation that ‘the Minister’s priorities, as outlined in the Statement of Intent, were commercially focussed and inconsistent with the Conservation Act’. This concern was shared by a large number of interviewees, particularly environmental and nature

The Conservation Act regulates that whenever concession activities or facilities are likely to be *high impact* and/or be requested for a *longer term*, the public should be notified and *sufficient time* allowed for responses by means of submissions and public hearings. In the pre-2010 version, ‘longer term’ was specified as five years; in the new one this has become ten years (revised sections 17T[4];[5]). The ten-year term was recommended to DOC in 2006 by the Tourism Industry Association New Zealand (Tourism Industry Association New Zealand, 2006, pp.20-1). Further, ‘sufficient time’ for public submissions was considered in the past to be 40 working days; in the new system, DOC internal procedures allow for only 20 working days (DOC, 2010). It is widely accepted that DOC took a long time to process concession applications, largely due to internal operational processes. In 2010 the department reported that ‘Throughout the organisation there are approximately 100 concession applications being processed that have been in the system for over 2 years. Many of these are for low impact activities’ (DOC, 2010, p.22). This raises the question: was the shortening of the time allowed for public reaction by 20 days a necessary legal measure, to address the problem of processing delays by DOC?

Under the 2010 revision of the Conservation Act the minister has been given discretion on the notification of decisions to grant a permit or licence for less than ten years, for which the likely impacts are assessed as high. While permits may not be for longer than ten years and are not renewable (section 17Z[2]), leases and licences ‘may be granted for a term (which shall include all renewals of the lease or licence) not exceeding 30 years or, where the Minister is satisfied that there are exceptional circumstances, for a term not exceeding 60 years’ (section 17Z[1]).

Some DOC staff seem to be struggling with understanding when input from the conservation boards and the public is required. Two of the four interviewed members of conservation boards mentioned that they seem to receive fewer concession applications for comment

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the contribution of all economic sectors relying on natural resources to 40% of national GDP by 2025: this is referred to as ‘greening growth’ or ‘sustained growth from natural resources’ (New Zealand Government, 2012, pp.5-7).

For the tourism sector, the government aims to ‘*Grow the number of new business opportunities on public conservation land in order to deliver increased economic prosperity and conservation gain*’ (New Zealand Government, 2012, p.23, emphasis added). In the 2009–12 statement of intent the conservation minister wrote:

I have directed my Department to investigate ways in which it can evolve its approach to tourism. This includes working to streamline the statutory processes in the granting of concessions. It is also about planning and developing its recreation infrastructure in ways and in places that are most likely to stimulate and support tourism, including by shifting the focus to more heavily populated areas.

NGOs, conservation board members and users of national parks. The reshuffling of the legal hierarchy of DOC objectives can also be gauged by looking at the policy priorities set in 2010–11: the first listed is ‘*Strengthening DOC’s contribution to tourism*’. The Destination Management Framework was developed to help increase people’s participation in tourism and outdoor recreation activities in public conservation areas. It focuses on places that are popular, or have the potential to be’ (Office of the Clerk of the House of Representatives, 2010, p.2).

Changes to the 1987 Conservation Act and approaches to public participation

In relation to the new political objectives for DOC, changes to the concessions regime have already been implemented by means of the 2010 and 2013 amendments to the Conservation Act. The amendments were justified by arguments related to DOC’s efficiency in processing concession allocations, and increased business certainty (DOC, 2010, p.7), although many tourism businesses have no sunk investments in national park/conservation estate lands.

now compared to the pre-2010 period (Respondent A, B). In a recent report on a notified concession application, for a five-year permit to take guided walkers across the Tongariro Alpine Crossing, the following comments appeared:

The Permissions/SLM Manager provided advice that exceptional circumstances may exist in this situation in regards to publicly notifying the application. ... The Chief Legal Advisor for the Department has reviewed this application in respect of the planning documents and the need for public notification. ... The Chief Legal Advisor has advised that the application does not meet the test for exceptional circumstances, and that the application should therefore be publicly notified. (DOC, 2015a, p.3)

The same report notes that 'The Tongariro National Park Management Plan states that guiding concessions for the Tongariro Alpine Crossing should be publicly notified' (ibid.).

In December 2014 the Office of the Ombudsman published its report on a complaint from a member of the Otago Conservation Board regarding the decision of 'a Department of Conservation delegate of the Minister of Conservation – to grant a new concession to Routeburn Walks Ltd, on terms permitting the concessionaire to increase from 24 to 40 the number of its overnight guided walkers entering the Routeburn Track each day' (Ombudsman, 2014, p.2). The Mount Aspiring National Park management plan was approved in June 2011 by the New Zealand Conservation Authority, following a significant participatory process that included 436 written submissions and three public hearings. The plan imposed ceilings on the total number of overnight walkers on the Routeburn Track and of independent walkers. The implication was that no more than 24 people could be accommodated per night through the monopoly concession held by Routeburn Walks Ltd. The delegated department staff decided that despite the ceiling some exceptional circumstances would apply,

and Routeburn Walks Ltd was issued a concession to accommodate 40 overnight walkers. The report of the ombudsman stated:

The decision flew in the face of the limits set in the newly promulgated Mt Aspiring Plan. There had been a careful and extensive public consultative process and general endorsement of the provisions of the new Plan. As the complainant states, the decision to approve the increase in overnight guided walker numbers makes a 'mockery' of the process of public consultation in the development of the Plan and undermines public participation.

The culture so far in New Zealand has been that if concessionaires avoid, rectify and mitigate environmental effects, then all should be fine.

The department was asked to cancel the concession and to apologise to the conservation board member, and it did so (DOC, 2015b).

The two examples above raise the question of whether the inclination of DOC staff to increase the processing speed and number of 'exceptional circumstance' concession approvals can be explained by problems of professional competence, or by the pressures trickling down from the political objectives of the conservation economy agenda. It seems that the inclination of some permissions staff to 'govern by exception' has not disappeared with DOC's public apology in January 2015.

How will the conservation economy agenda help solve the problem of sustainably funding a holistic environmental management of the conservation estate?

The department aims to increase the number of New Zealanders volunteering for the physical work of biodiversity conservation (also envisaged in the conservation economy agenda). The

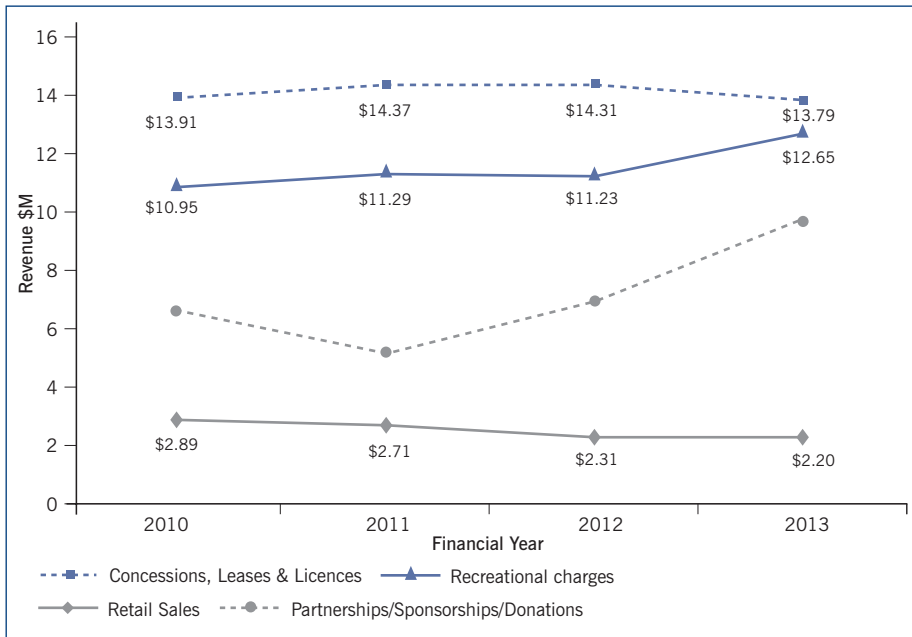
new partnerships staff, appointed since the 2013 restructuring, are to work 'with community groups, iwi, local authorities, private landowners and businesses to attract more resources to conservation' (DOC, 2013a). Thus, more is being asked of New Zealanders, while less is being offered in terms of participatory rights.

This happens in a context where international tourists (the predominant clients of tourism concessionaires) are still referred to by many interviewees as 'free-riders' on the conservation estate's front country infrastructure and icon destinations (see definitions in DOC, 2011). That infrastructure is funded primarily by taxpayers, while the backcountry recreation infrastructures

used predominantly by New Zealanders remain underfinanced and risk decay or dismantling (Treasury, 2014b, p.61). The concession fees currently collected by DOC from all concession types do not represent more than 3–4% of DOC's annual budget (based on Treasury, 2014b, p.69). It is unclear how much tourism concessions contribute to this, but the overall picture is clear: New Zealanders foot most of the bill for DOC's expenses.

In its 2011–14 statement of intent DOC defined as its second medium-term priority 'increasing investment from the private sector in conservation, with a focus on sponsorships and concessions revenue' (DOC, 2011, p.35). Figure 1 shows the revenue generated by all concessions, as well as partnerships, sponsorships and donations, between 2010 and 2013. These amounts represent extremely low contributions to DOC's budgetary needs for managing biodiversity conservation successfully, let alone for a more holistic ecosystem management (see Table 1 for a comparison in terms of budgetary allocations).

Figure 1: Conservation revenue between 2010 and 2013



Source: Treasury, 2014a, p.60

Many other economic policy instruments have been proposed by New Zealand academics and stakeholders (Haque, 2006), but these have so far received no serious political support. A former conservation minister and influential member of the post-2009 National-led government, Nick Smith, has often dismissed the option of introducing national park entry fees, arguing that this would be illogical given that we do not pay entry fees to city parks (Kerr, 1998, p.7). The argument often made (also by many tourism businesses interviewed for this research project and several conservation board members) is that New Zealanders have a birthright to access their nature areas free of charge. It is not clear how this relates to the current legal framework, and interviews with DOC staff revealed that there is no common understanding about whether national park entry fees are feasible under the current laws.

Nevertheless, in many countries national park fees have been imposed. Often this has been done on a tier system, with higher fees for international visitors, and sometimes offering exemptions to national citizens and residents (Eagels et al., 2002). Roger Kerr, former executive director of the New Zealand Business Roundtable, argued that:

Free entry is a subsidy. The real resource costs of using national parks

are then borne by taxpayers, through expenditure of public money, or other users, through degradation of the conservation experience. Those who do not go to the parks pay for those who do. And many of the payers are much worse off financially than many of the non-paying users – surveys have consistently shown that visitors are predominantly from above-average income groups. As is so often the case with government interventions, the implicit income transfers are from poor to rich. (Kerr, 1998, p.7)

Another potentially useful financial instrument would be that based on the concept of payment for ecosystem services, in which DOC has been interested for some time. The essence of this concept is that ecosystems provide benefits – such as purifying waters and air, ensuring soil productivity and crop pollination, and as settings for nature-based tourism – that have quantifiable economic value to identifiable businesses and communities. If these benefits are measured, benefiting businesses can be asked to pay for the ecological services received. The instrument has already been applied successfully overseas (especially in developing countries) to help finance biodiversity conservation (Tallis et al., 2009). So far it has proven to be a

powerful tool in recognising the market value of forest and water resources, which abound in the conservation estate (Burkharda et al., 2012). However, government documents surrounding the Business Growth Agenda have so far been silent on this.

What does the future hold for the current legal hierarchy of conservation management strategies and national park management plans?

If the government aims to address DOC's financial sustainability through more concession allocations, then mass tourism developments in national parks are inevitable, at least in the national parks used intensively by international tourists. Such a scenario would necessitate a different, more permissive planning framework in terms of conservation strategies and plans. There are signs that this shift is already happening through parallel processes of: a) the watering down of the guiding role of the current national park management plans, and b) regulatory change proposals and DOC restructuring to reduce the number of decision-making points and the available planning documents.

The concession approval which contradicted the Mount Aspiring National Park plan is just one example. The conservation economy agenda seems to have led to a shift in the balance of power between DOC and the tourism industry. This shift has also been seen in other parks, especially Fiordland and the surrounding estate, where two major infrastructural tourism projects were proposed to the conservation minister in 2011–12: a monorail-based project to link Queenstown to Milford Sound (by boat, monorail and bus); and a road with tunnel through the park's backcountry mountains linking the same areas. Both proposals received positive evaluations based on internal DOC assessments, and were open to public submissions following notification of the intention to grant the concession. While eventually both were declined (the former in an election year), they attracted major public interest, seen in the hundreds of public submissions (mostly in opposition).⁵ If approved, these projects would have triggered a change in

the Fiordland National Park management plan (based on sections 17W[3] and [4] of the 1987 Conservation Act).

A DOC media release in September 2014 stated that 'New conservation management strategies (CMSs) for the Department of Conservation's Northland and Waikato regions come into effect today ... [These] strategies will guide DOC's work on many levels and simplify decision-making on concession applications and operational work priorities' (DOC, 2014b). This message suggests that the conservation economy agenda has already started to trickle down to conservation management strategy level. It is unclear why such interventions are needed, since the same arguments were used to justify the 2010 and 2013 amendments to the Conservation Act. As these are guidance documents for national park management plans, one should not be surprised to see attempts to include more permissive concession limits and approval processes when national park plans are up for review (or earlier).⁶

Following the 2013 radical restructuring of DOC, the number of concession allocation services has been reduced to four,⁷ increasing the distance between monitoring rangers and decision-making. In a 2013 media release DOC stated, regarding its restructuring: 'the proposed structure involves: the removal of DOC's existing 11 regional conservancy boundaries and replacing them with six new regions; ... the creation of a Conservation Partnerships Group; the disestablishment of 118 regional management and administration roles; the disestablishment of 22 asset management, planning and inspection positions' (DOC, 2013b). In addition, as mentioned earlier, the 2013 Conservation Board Review led by the current associate minister, Nicky Wagner, has already proposed lowering the number of conservation management strategies to three.

One may wonder why it is necessary to dismantle the existing legal framework regarding the conservation strategies, national park management plans, conservation board membership, and accountabilities and public participation, and why it is helpful to lay off so many employees, if the genuine aim of the

governance changes is to increase conservation gains from more business on the conservation estate. How will the loss of expertise associated with 140 full-time equivalent positions increase conservation gains? How is the current legal framework an obstacle towards achieving biodiversity objectives? A close inspection of the Conservation Act, in the following section, reveals that important legal tools are available to the conservation minister to achieve just that, or even more: to implement wider environmental sustainability measures through concession contracts.

Where are the 'conservation gains' from the conservation economy agenda?

While the government has made considerable progress in opening up the conservation estate to businesses through

Association New Zealand was not aware, by October 2014, of any initiatives that would aim to achieve 'conservation gains' from tourism concessionaires through concession contracts or formal public-private partnerships. Interviewees from DOC's head office also could not point towards any specific implementation plans, suggesting that it is too early for that (Respondent C, D, 2013). Reference was made to a DOC webpage listing some sponsoring/volunteering businesses, few of which, however, are tourism concessionaires.

The Building Natural Resources programme claimed that allowing more tourism businesses on the conservation estate will bring about benefits through business involvement in environmental protection, biodiversity conservation, and even the maintenance of tracks

If a government cannot ask companies carrying out business in national parks – a country's most precious lands – to use the best available environmental practices, technologies and renewable resources, and to be proactive on biodiversity management, then who can it ask to do this?

the governance changes highlighted above, there are no concrete statements from government members or DOC officials, and no policy developments or legal initiatives, setting out the latter part of the equation: conservation gains, or wider environmental gains, from more tourism concessions in national parks. How is this going to work, in terms of policy and legal tools? What are the quantifiable targets? The only detectable approach so far is to rely on voluntary initiatives for biodiversity conservation, which primarily concentrate on saving icon species like the kiwi and tuatara, which have higher impacts for the marketing of sponsoring businesses. The appointed interviewee for the Tourism Industry

and other facilities (Treasury, 2014b, pp.12-13; New Zealand Government, 2012). Such developments would have been appreciated by the New Zealand public. From an in-depth examination of 12 ongoing concession contracts and 12 notified concession applications, a number of key observations emerge with respect to the environmental and biodiversity management aspects of tourism concessions.

DOC's requirements in contracts are typically formulated in terms of 'don'ts' rather than 'do's': the concessionaire should not break any applicable law, strategy or management plan; should not light fires, 'cut down or damage any vegetation; or damage any natural

feature or historic resource on the Land' (DOC, undated, p.12); not dispose of toilet wastes near water, etc. The 'do' requirements are of the type to be expected in any commercial contract: do deal with rodents and pest insects; do 'keep all structures, facilities and land alterations and their surroundings in a clean and tidy condition'; do 'make adequate provision for suitable sanitary facilities for the Land if directed by the Grantor and for the disposal of all refuse material' (ibid., p.12).

How is the government going to achieve 'greening growth' or 'sustained growth from natural resources' with such provisions? How is the conservation minister going to achieve 'conservation gain' with more tourism concessions (New Zealand Government, 2012, p.23; Treasury, 2014b, p.3)? Section 17 ZG(2) of the 1987 Conservation Act gives him or her good tools: the minister may 'include in any concession provisions for the concessionaire to carry on activities relating to the management of any conservation area on behalf of the Minister or at any time enter into any agreement providing for the concessionaire to carry out such activities'. However, evidence of that is hard to detect. There is not much evidence of meaningful environmental requirements included in concessions, of the type recommended in international guidelines, such as actions to be undertaken regularly to achieve specific biodiversity conservation outcomes; or the use of renewable energy and fuels (at least for some minimum levels in the business); or requirements for the use of the most environmentally friendly methods of waste management, wastewater treatment and transportation (Eagles et al., 2009, pp.48-60). Interviews with concessionaires indicated that interest in environmental measures was not low, but many concessionaires said they are unlikely to implement them unless required to because their priority was making a living, and the market in national parks is already too competitive to afford voluntary measures (Respondents E, F).

The culture so far in New Zealand has been that if concessionaires avoid, rectify and mitigate environmental

effects, then all should be fine. Some argue that not even this much is done properly (Parliamentary Commissioner for the Environment, 1997; Johnson and Lloyd, 2000, 2002). However, as the Youth Parliament has argued:

Businesses could do more than just rectify damage caused by their own commercial activities. As well as protecting the conservation estate, they could enhance it ... In terms of behavioural change, it is more desirable to have businesses commit to carrying out conservation action themselves, rather than just giving funding to DOC to do it on their behalf, as this is likely to result in a more meaningful commitment to environmental values by the business, its staff, and its customers. (Youth Parliament, 2013, p.5)

If a government cannot ask companies carrying out business in national parks – a country's most precious lands – to use the best available environmental practices, technologies and renewable resources, and to be proactive on biodiversity management, then who can it ask to do this?

A suitable requirement is found in the standard concession contract model uploaded at DOC's website for guiding permits, requiring businesses and their clients to adhere to the international 'leave no trace' principles at all times (see www.leaveonotrace.org.nz). A requirement is also included to provide environmental and cultural interpretation to clients. The government seems to be expecting environmental initiatives and biodiversity gains to come in the form of donations and voluntary measures by concessionaires. However, government departments cannot plan work based on the expectation of donations. One Conservation Board member raised the issue of tourism concessionaires trying to negotiate lower concession fees in exchange for some voluntary biodiversity measures, arguing that 'in other countries this would be seen as corruption; in New Zealand this is seen as good business sense' (Respondent A). The term corruption is perhaps not appropriate

here, but its use indicates the respondent's frustration with the situation. The main point raised is, however, a serious one: if the department feels under pressure to negotiate lower concession fees (as other interviewees believe as well), and the voluntary projects are not sufficient for the work that needs to be done, how can the current arrangements help address DOC's financial sustainability problem around biodiversity conservation? In its 2014 review of progress with the Building Natural Resources programme the government acknowledged that so far the conservation benefits are scarce:

The picture for biodiversity is less positive, with numbers of all measured native species considerably below their pre-human level. There is a mixed picture in recent times, with some species stabilising and other continuing to fall. We will continue to work in partnership with local councils, businesses and other key groups to help protect our native species. (New Zealand Government 2014, p.83)

Concluding reflections

If more evidence is available on the conservation and environmental gains of the conservation economy agenda (more than I have been able to gather following two years of intensive research and interviews), it would be helpful for DOC, the government and concessionaires to share it with New Zealanders. Whether nature/environmentally-oriented or infrastructure maintenance-oriented, concessionaire investments in the conservation estate are likely to be highly valued by the New Zealand public. Similarly, it would be desirable for DOC and concessionaires to develop and apply proper public relations strategies, to improve both the frequency and quality of communication with members of the public, organised groups and other stakeholders.

Political decision-makers could also follow the example of genuine global leaders in greening commercial activities in national parks. For example, in the United States in 2011 the National

Park Service, which manages the world's first national park, Yellowstone, initiated in collaboration with tourism concessionaires its first strategic plan for sustainability. In 2012 the Yellowstone Environmental Coordinating Committee published its first annual report, outlining achievements and plans for: leadership, energy and reducing greenhouse gases, communication and education, waste reduction, reducing water and material consumption, transportation and fuel efficiency, environmental purchasing, and the environmental and social performances of tourism concessionaires and their awards and eco-labels (National Park Service, 2012). The National Park Service explains:

Recent executive orders and acts require the Federal Government to protect resources through sustainable operations and facility adaptation. The National Park Service Green Parks Plan provides further direction for environmental stewardship, and has led to a firm commitment and

support for Yellowstone's continued leadership in Environmental Stewardship. (National Park Service, undated)

New Zealanders have shown global leadership in the past, when they were among the first to join the national park designation movement. It is not too late for New Zealand to show, yet again, that it can lead the world by managing its national parks on the basis of genuine strong sustainability principles.

- 1 For 2015/16 the allocation to DOC's budget is \$337.429; that for 2016/17 is \$337.960; and that for 2017/18 is \$339.064 (Treasury, 2014b, p.45).
- 2 The top regional position of conservator has been disestablished and replaced by that of partnerships manager.
- 3 Examples of activities for which tourism concessions can be issued are: hiking/walking, boating, kayaking, motorised sightseeing or thrill-seeking from air or land, climbing, fauna/flora appreciation, skiing, caving, fishing and hunting. Some activities are not allowed in New Zealand national parks, such as jet-skiing. Examples of facilities/infrastructures requiring concessions are: roads, tracks, bridges, huts, camping and picnic sites, signage, toilets and shelters.
- 4 These were carried out in accordance with the terms and conditions set down by the Human Ethics Committee of Victoria University.
- 5 See <http://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2012/dart-passage-tunnel-milford-dart-ltd/> and <http://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2012/fjordland-link-experience-monorail-riverstone-holdings-ltd/#report>.

- 6 Currently, concession limits are sometimes used to place ceilings on the number of concessions issued and the overall number of tourists allowed to access an area (viewed as sensitive, vulnerable or under stress). To enable large-scale tourism and to accommodate massive infrastructural tourism projects of the type that have been proposed in Fiordland may require the abandonment of the current system of concessions management, or even of the Recreation Opportunity Spectrum planning approach underpinning it.
- 7 See <http://www.doc.govt.nz/get-involved/apply-for-permits/contacts/>.

Stakeholders interviewed between October 2013 and February 2015:

- Respondent A, member of Conservation Board National Park 1
- Respondent B, member of Conservation Board National Park 2
- Respondent C, DOC staff interviewed at the Wellington office
- Respondent D, DOC staff interviewed at the Wellington office
- Respondent E, concessionaire with helicopter-based activities National Park 1
- Respondent F, concessionaire with accommodation-based activities National Park 3

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