

# Enabling ecosystem-based management in Aotearoa New Zealand's marine law and policy

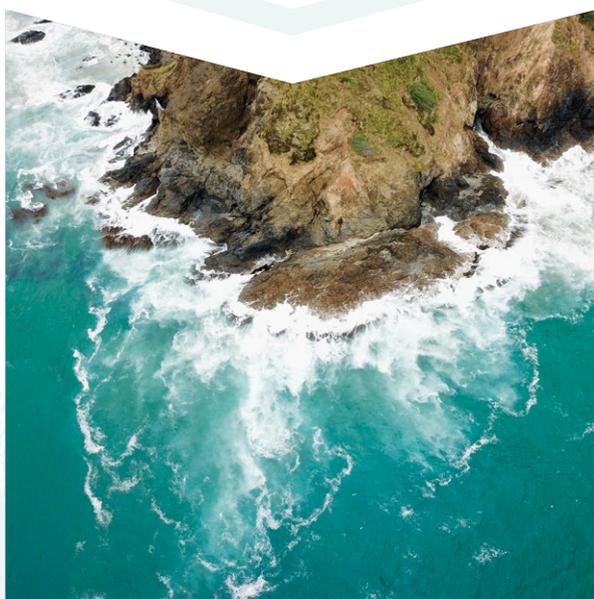
Aotearoa New Zealand's large coastal marine environment is of immense economic, cultural, social, and ecological value. But our marine resources, environments, species, and communities face serious threats because of cumulative, competing human uses and the impacts of climate change and ocean warming (Davies et al 2019).

Research shows ecosystem-based marine management (EBM) could halt this decline and help restore the marine ecosystem. But to do EBM well, we must improve the integration, coordination, and efficiency of our marine law and policy.

## About this document

This document summarises Sustainable Seas National Science Challenge research into law and policy to support ecosystem-based management. This guidance:

- recommends a course towards ecosystem-based management within current legislation
- recommends longer-term ways to embed ecosystem-based management that's flexible and adaptable.
- explains why ecosystem-based management is needed.



## Recommendations

To ensure healthy outcomes for Aotearoa New Zealand's ocean and people, we recommend the following:

- » Ecosystem-based management approaches are implemented now, within existing marine law and policy frameworks. An implementation pathway (Appendix 1) sets out opportunities to implement EBM within existing law and policy in the short term, as well as longer-term opportunities for their uptake through marine legislative and policy reform.
- » The Government establishes a dedicated legal entity for the ocean, which could take the administrative form of a ministry, an independent commission, both, or a transitional entity arrangement. Key objectives and functions of this legal entity for the ocean would be to:
  - » protect and enhance the life-supporting capacity of marine ecosystems, and ensure thriving related communities and economies
  - » facilitate the development of fundamental marine principles
  - » oversee the implementation of fundamental marine principles, through:
    - a whole-of-government approach to leadership, oversight, coordination and alignment of marine policy
    - ensuring implementation is driven and managed by those with expertise and knowledge
  - » ensure whole of government approaches and implementation of fundamental marine principles is achieved in ways that provide for partnership with tangata whenua and align with te ao Māori principles.

- » The Government, through the legal entity for ocean, work with tangata whenua on developing fundamental marine principles to establish clear objectives for the marine environment and help ensure consistent and integrated governance arrangements, rules and regulation across sectors and scales. These principles:
  - » may initially be expressed in policy guidance, but for long-term effectiveness should be enshrined in primary legislation
  - » could draw from first principles developed by Sustainable Seas, including ecosystem-based management, the blue economy, and te ao Māori principles.
- » The Government supports and resources the enabling conditions necessary for ecosystem-based management to be implemented. These conditions include sufficient human and financial resourcing, strong governance processes and institutions, and effective compliance mechanisms.
- » The Government partners with tangata whenua as its Tiriti o Waitangi partner in ways that are appropriate to the scale of decision-making, including devolution and power-sharing with tangata whenua, especially with hapū and iwi – see also our guidance document *Empowering Māori knowledge in marine decision-making*.<sup>1</sup>



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## Current approaches to implementing marine law and policy will not ensure healthy seas

Recent research details serious environmental and biodiversity challenges facing marine and coastal resources, environments, species, communities and economies (Ministry for the Environment 2022).

Current approaches to implementing marine and coastal law and policy in Aotearoa New Zealand will not ensure a healthy and productive marine environment in the future. Implementation of law and policy is fragmented and poorly aligned across legislation and policy for different sectors (Peart et al 2019, Macpherson et al 2021) (figure 1). This fragmentation includes laws and policies relating to fisheries, environmental planning, conservation, and Māori – from local to global scales, and from present to future generations (Ulrich et al 2022).

## Spatial scale and EBM

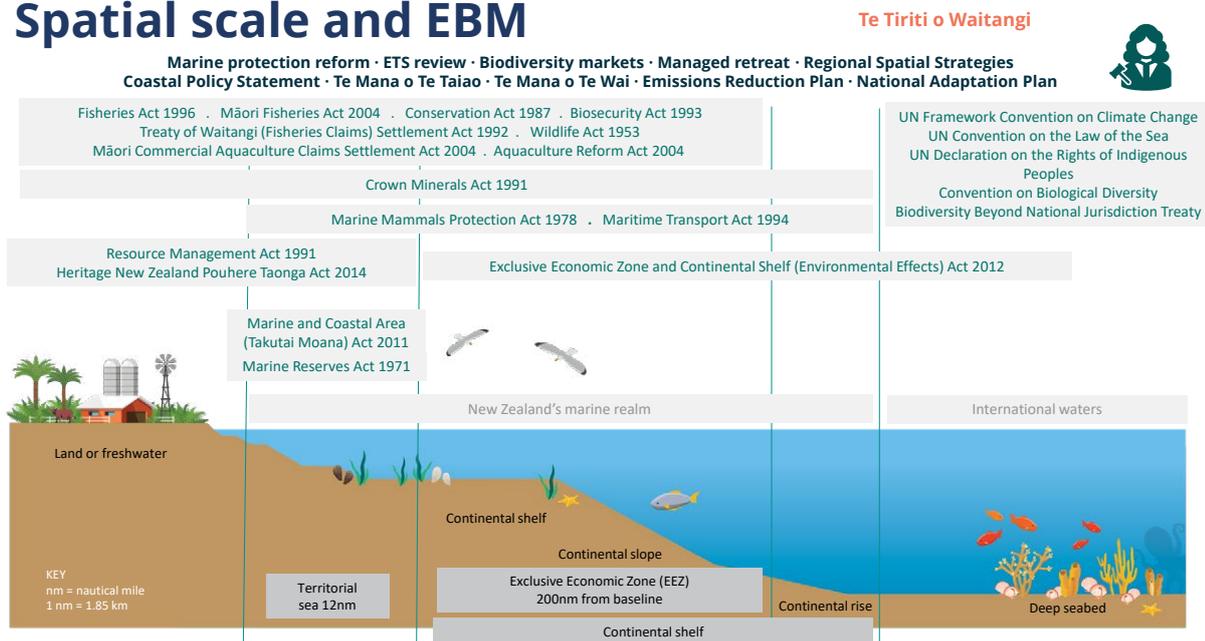


Figure 1 The overlapping and inconsistent spatial scales at which marine law and policy operates in Aotearoa New Zealand

# Ecosystem-based management can be started now under existing laws and policies

Research has shown an ecosystem-based management approach could improve the integration, coordination, and efficiency of marine law and policy, and ultimately deliver improved outcomes for Aotearoa New Zealand's seas and people (Macpherson et al 2021).

Existing marine laws and policies provide rules, regulations, and governance arrangements that support EBM, with many operating within different sectors and at different scales. These laws and policies need to be more consistent, coordinated, aligned, and integrated (Macpherson et al 2023).

Over the past ten years, research has identified key time-critical opportunities to implement EBM in Aotearoa New Zealand. This research is based on:

- studies of what other countries are doing to embed EBM into their laws and policies (Macpherson et al 2021)
- existing legal and policy mechanisms that support EBM approaches in New Zealand at the regional and local scale (Urlich et al 2022, Fisher et al 2022)
- detailed analysis of opportunities in New Zealand to support EBM, including policy and legislative change (Peart et al 2019, Joseph et al 2020, Macpherson et al 2021, Macpherson et al 2023).

Opportunities exist to implement EBM within existing law and policy in the short term, as well as longer-term opportunities for their uptake through marine legislative and policy reform (figure 2). An implementation pathways table in Appendix 1 sets out these opportunities, which include:

- prioritising and adapting the implementation of existing laws and policies (short term)
- developing new policies and integrated governance arrangements (medium term)
- comprehensive legislative and policy reform (long term).

## What is ecosystem-based management?

Ecosystem-based management is an internationally recognised marine management approach that could deliver benefits for Aotearoa New Zealand (Macpherson et al 2021). The objective of EBM is to improve marine ecosystem health and the wellbeing of related communities by integrating marine science, law, and policies across sectors, communities, and scales (Hewitt et al 2018, Macpherson et al 2023).

EBM involves managing the marine environment in an inclusive and holistic manner, which means that uses (including competing uses) are managed in a way that does not degrade the marine environment, and that humans are recognised as part of the ecosystem.

Sustainable Seas has developed seven principles of EBM (Hewitt et al 2018) (figure 3) which have been specifically adapted for Aotearoa New Zealand, and which recognise the importance of Te Tiriti o Waitangi, especially in honouring partnership, mātauranga and tikanga Māori.

## Ecosystem-based marine management (Aotearoa New Zealand)

● Existing ● In development ● Potential

<b>High level policy objectives</b>	<ul style="list-style-type: none"> <li>● Te Tiriti o Waitangi</li> <li>● International Law (UNDRIP, CBD, UNCLOS, precautionary principle)</li> </ul>	<ul style="list-style-type: none"> <li>● Environmental rights and responsibilities (NZBORA)</li> <li>● Fundamental Marine Principles</li> </ul>		
<b>Enabling Conditions</b>	<ul style="list-style-type: none"> <li>● Legal Entity for the Ocean (leadership, oversight and whole of government co-ordination)</li> <li>● Resourcing (funding, capacity, people, information, and knowledge (science and mātauranga))</li> </ul>			
<b>Sectoral rules, regulations and governance arrangements</b>	<b>Fisheries</b> <ul style="list-style-type: none"> <li>● National fisheries policy framework (including research and funding)</li> <li>● Place-based, cross-sectoral fisheries collaboration/committees (eg Rock Lobster, NPOAs)</li> <li>● Multi-species fisheries plans (eg Inshore Finfish Draft Plan)</li> <li>● s9(c) Fisheries Act, eg habitats of particular significance</li> <li>● Rights/allocation for the environment</li> <li>● Collaborative governance and power-sharing with iwi and hapū (eg iwi/hapū fisheries management, iwi/hapū-led place-based fisheries collaboration/committees)</li> <li>● Bycatch management</li> </ul>	<b>Environmental planning</b> <ul style="list-style-type: none"> <li>● Integrated, cross-jurisdiction terrestrial, freshwater, coastal and marine planning and decision-making (eg Ki uta ki tai approach, Kotahi Plan (Hawke's Bay), NZCPS, Te Mana o Te Wai)</li> <li>● Prioritise ecosystem health (eg Te Oranga o Te Taiao, Te Mana o Te Wai) and precautionary approach</li> <li>● Limited, flexible, Multi-sector area-based planning (eg MSP)</li> <li>● Localised risk assessments and mātauranga Māori approaches (eg māuri models, restoration)</li> <li>● Collaborative governance and power-sharing with iwi and hapū (eg mana whakahono ā rohe, transfers of power, Ahu Moana (Hauraki Gulf), rāhui)</li> </ul>	<b>Conservation</b> <ul style="list-style-type: none"> <li>● Ocean as living and related ecosystem (eg Te Mana o Te Taiao, Marine and Coastal Protection and Management Principles)</li> <li>● Biocultural, Mixed-use MPAs (eg Kaikoura, Fiordland)</li> <li>● Adaptive/flexible corridor/habitat/bioregional marine protections (Including species interactions and seasonal dynamics)</li> <li>● Place-based, integrated MPA governance co-managed or devolved to iwi and hapū (eg Transfers of powers, customary fisheries, rāhui, wahi tapu)</li> <li>● Bycatch management</li> <li>● Marine restoration</li> </ul>	<b>Māori/Tiriti</b> <ul style="list-style-type: none"> <li>● Protected Māori fishing rights (Te Tiriti)</li> <li>● Māori partnership approach in all areas of marine management.</li> <li>● Statutory, place-based marine management (marine customary title, customary fisheries, rāhui)</li> <li>● Non-statutory place-based marine management (eg Kaipara Integrated Marine Protection, rāhui)</li> <li>● Place-based collaborative governance and power-sharing with iwi and hapū</li> </ul>
<b>Enabling Processes</b>	<ul style="list-style-type: none"> <li>● Tangata whenua partnership approach</li> <li>● Tikanga and mātauranga Māori (Māori law and knowledge)</li> <li>● Place-based collaborative governance and power-sharing with iwi and hapū</li> </ul>			

Figure 2 The multiple existing, in-development, and potential EBM approaches within Aotearoa New Zealand's legal and policy frameworks (adapted from Macpherson et al 2023)

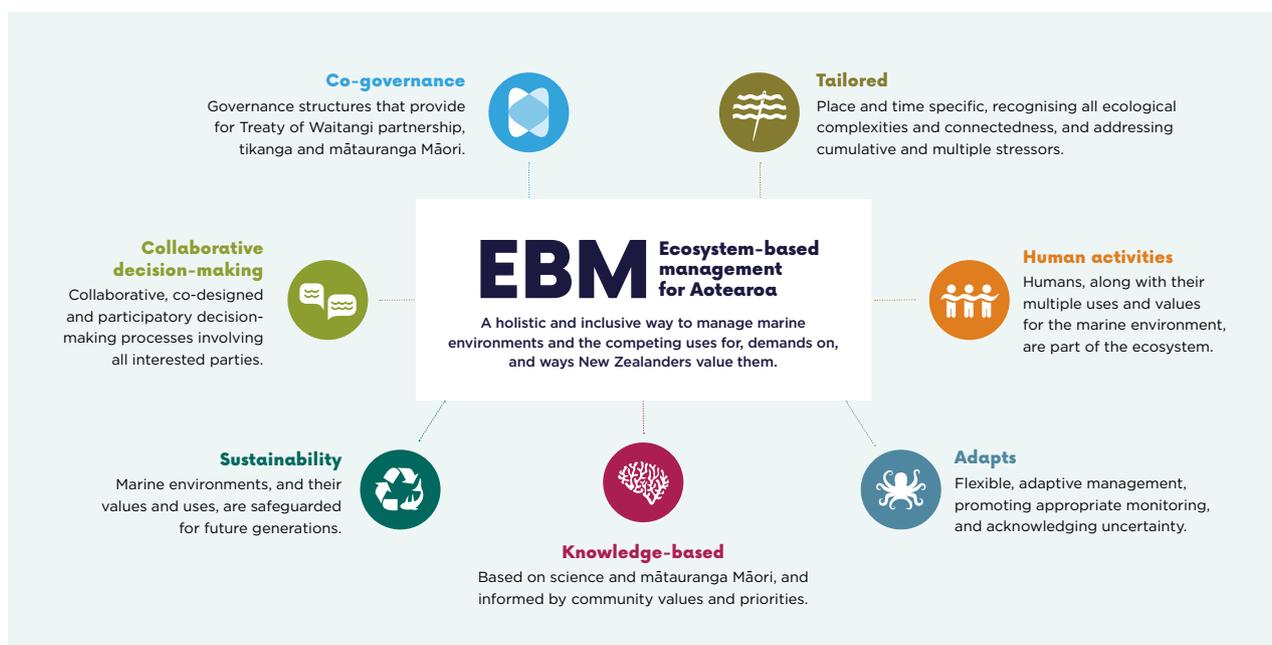


Figure 3 The seven principles of ecosystem-based management (EBM)

## Clear objectives are needed based on fundamental marine principles

Although we already have laws and policies in place to support EBM, these have been designed by different people, at different times, and for different purposes. These existing laws and policies apply to different spatial areas and work on different timescales, and they are driven by different, and sometimes difficult to reconcile, objectives (Urlich et al 2022).

Fundamental marine principles will drive the creation of a shared understanding and statement of values and objectives. Clear objectives will set the context for the development and implementation of Aotearoa New Zealand's marine law and policy and support integration and alignment across multiple scales, jurisdictions, and sectors (Macpherson et al 2023).

## A legal entity for the ocean is necessary

Whole-of-government leadership, coordination, and oversight is needed to integrate governance arrangements, rules and regulation across all sectors and scales of marine law and policy and how its implemented (figure 4). A dedicated legal entity for the ocean is needed to facilitate a whole-of-government transition towards adopting and implementing EBM approaches and to ensure the transition is managed by those with the necessary expertise and knowledge (Macpherson et al 2023).

Coordination is essential so decision makers can understand and evaluate potential cumulative ecosystem impacts, across time and space, including socio-economic impacts (Short et al 2023).

Appendix 2 sets out the extents to which different possible administrative arrangements would provide for, or involve, establishment cost/effort, ability to drive EBM across sectors/scales, political influence, and potential to support Tiriti o Waitangi led approaches.

## Broad support and the right resources are needed

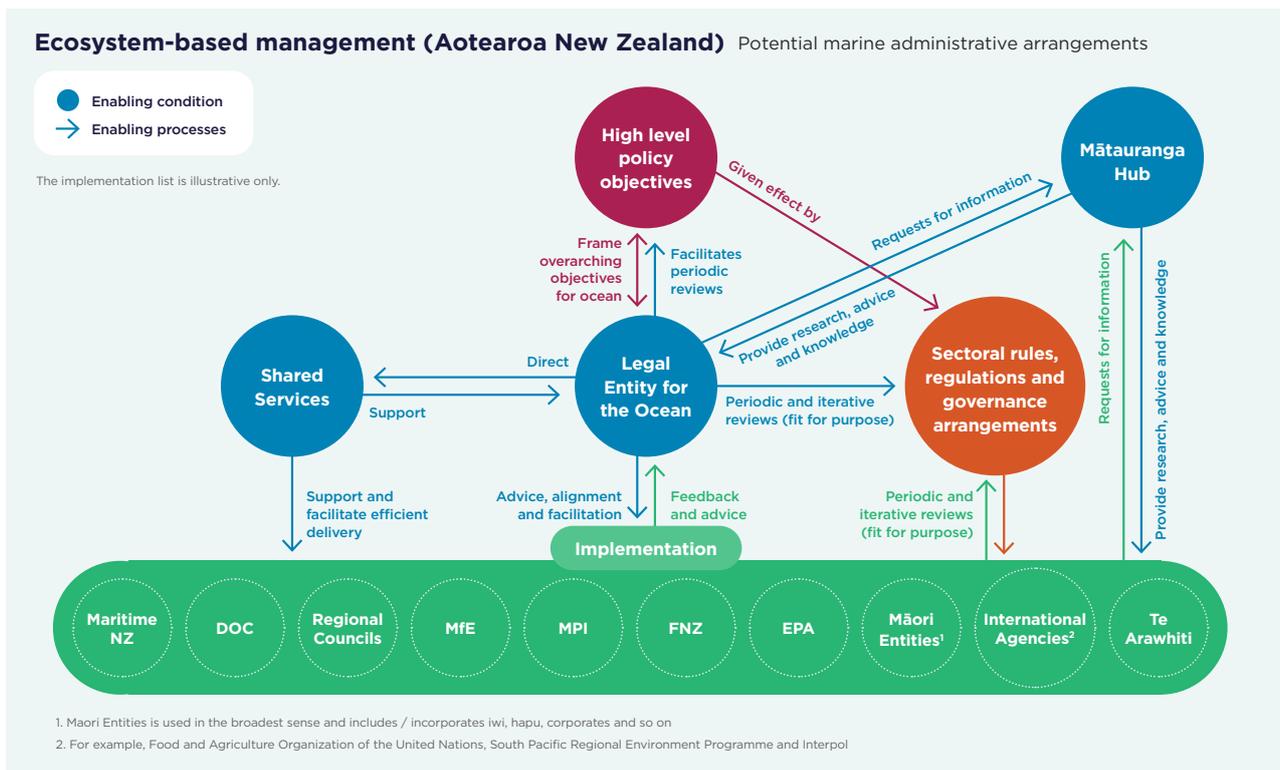
Governance arrangements, rules, and regulation are more effective with support from marine users and interest groups at the scale of focus. Enabling this support requires properly resourced, authoritative, and participatory processes (Scobie et al 2023). These processes must:

- be inclusive of Māori authority, rights, and values (Reid & Rout 2020)
- be at appropriate scales (Kainamu & Rolleston-Gabel 2023)

Central and local government need access to appropriate resources to implement EBM (Urlich et al 2022). This includes:

- financial and human resources to develop cross-sector and cross-scale relationships
- access to information needed for evidence-based and data-driven decision making that is based on robust knowledge (Kainamu & Rolleston-Gabel 2023).

A potential model for administrative arrangements across government is set out in Appendix 2.



**Figure 4** A starting point for how administrative arrangements could support a whole-of-government approach to implementing EBM approaches in marine law and policy

## Partnership and power-sharing is essential

Marine law and policy reform and implementation processes must honour and uphold Te Tiriti o Waitangi, our founding constitutional document (Reid & Rout 2020). The government should partner with Māori in ways that are appropriate to the scale of decision-making, including devolution and power-sharing with tangata whenua, especially at hapū and iwi levels (see our guidance document *Marine governance – sustaining ocean outcomes for future generations*<sup>2</sup>). This approach would position Aotearoa New Zealand as a global leader in carrying out transformative EBM (Joseph et al 2020).

Mātauranga Māori is an essential part of a Tiriti-centered EBM approach alongside Western knowledge. Mātauranga Māori can:

- enhance understandings of marine ecosystems
- underpin culturally appropriate restoration approaches
- provide a more holistic, integrated approach to marine management (Clapcott et al 2018).

Sustainable Seas has developed four pou (enabling conditions) to show how Indigenous and non-Indigenous worldviews, knowledges, and values can be effectively accommodated within EBM governance arrangements (Fisher et al 2022):

### 1. Enacting interactive administrative arrangements

Recognising the potential of collaboration and engaging multiple actors across multiple levels (from decision-making through to implementation and management actions). Rather than advocating for a ‘perfect’ model of governance. This pou emphasises interactive, dynamic and inclusive arrangements.

### 2. Diversifying knowledge production

Recognising epistemological and ontological pluralism and processes supporting knowledge production (including who produces, disseminates, and ‘controls’ knowledge). This pou prompts thinking and action towards the politics of possibility by emphasising diversity and by seeking to expose and upend knowledge-based assumptions in settler-colonial thinking.

### 3. Prioritising equity, justice and social difference

Undoing inequities and injustices perpetuated against Māori peoples and knowledges through into the present. This pou emphasises Māori inclusion in decision-making processes and providing for Māori relationships with the environment as a way of undoing injustices. In so doing, potential benefits will accrue to Māori and non-Māori alike.

### 4. Recognising interconnections and interconnectedness

Positioning humans within ecosystems and environments and recognising the myriad relationships that entangle humans and more-than-humans/nonhumans. This pou prompts a shift away from governance arrangements premised on dualistic conceptions of humans and nature towards arrangements that foster inclusive and ontologically plural spaces.

# Appendix 1

This figure sets out the opportunities for central and local government to implement EBM approaches in current marine law and policy (short term), under current marine law reform proposals (medium term), and new initiatives and legal reforms (medium-long term).

- High level policy objectives and arrangements
- Rules, regulation and governance arrangements
- Enabling conditions and processes

## Short-term (<3 years) Implement existing marine law and policy

- **Central government** to establish a **Legal Entity for the Ocean** for whole-of government leadership and oversight on marine law and policy – key objective to protect and enhance the life supporting capacity of marine ecosystems while ensuring thriving related communities and economies.
- **Legal Entity for the Ocean** to facilitate drafting **Fundamental Marine Principles** – key objective to integrate and holistically manage human relationships with the ocean across sectors and scales.
- **Central and local government** to ensure that marine law and policy development and implementation upholds Māori rights and interests (eg Te Tiriti o Waitangi, Treaty settlements, Māori commercial and customary fisheries, MACA Act) and is consistent with international law (UNDRIP, CBD, UNCLOS).
- **Central government** to develop collaborative, cross-sector fisheries planning and governance in partnership with tangata whenua, especially inshore areas where fishing industry, iwi and hapū, and stakeholders could come together to develop fisheries plans and strategies (Fisheries Act, Māori commercial and customary fisheries, RMA, EEZ Act, Conservation Act, MACA Act).
- **Central government** to resource and implement multi-species fisheries plans (Fisheries Act) across all relevant fisheries and Fisheries Management Areas.
- **Central government** to finalise habitats of particular significance for fisheries (Fisheries Act), working with **local government** to integrate these with local scale marine protection initiatives.
- **Central government** to strengthen bycatch management planning (Fisheries Act).
- **Central government** to adopt collaborative, inclusive and integrated policy development approaches to emerging blue industries including open ocean aquaculture, offshore wind, and seabed minerals.
- **Central government** to prioritise and resource settlement of MACA Act claims.
- **Central and local government** to resource and implement place-based, integrated marine protected area governance, including power-sharing and devolved governance to iwi and hapū (RMA transfers of powers, customary fisheries, rāhui, wāhi tapu, UNDRIP).
- **Local government** to include integrated, cross-scale (terrestrial/freshwater/coastal) objectives, outcomes and approaches in regional plans and policies. To be guided by a ki uta ki tai (mountain-to-sea) approach that reflects the living and interconnected nature of marine ecosystems and contemplates interconnected relationships across marine spaces and timescales (NZCPS, Te Mana o Te Wai, Te Mana o Te Taiao, Marine and Coastal Protection and Management Principles).
- **Central and local government** to ensure that consenting processes for managing environmental effects of development and use of the marine environment prioritise the health of, living, integrated marine ecosystems, via a precautionary approach (NZCPS, Te Mana o Te Wai, Te Mana o Te Taiao, Marine and Coastal Protection and Management Principles, CBD, UNCLOS).
- **Central and local government** to resource the implementation of flexible, multi-sector, biocultural, and mixed-use area-based marine planning/protection (eg Hauraki Gulf, Kaikōura, Fiordland).
- **Central and local government** to commit resourcing (budget and human resources) to implement existing marine law and policy that support EBM across fisheries, environment/planning, conservation and Māori legislation.

- **Central and local government** to resource and utilise mātauranga-based monitoring and assessment methods, localised social-ecological risk assessments (eg Bayesian Networks and Risk/Consequence approaches), and restoration approaches in marine planning and decision-making.
- **Central and local government** to prioritise and resource Tiriti-led approaches including power-sharing with iwi and hapū when developing plans and policies (i.e. RMA transfers of power, mana whakahono ā rohe, customary fisheries, rāhui, MACA Act wāhi tapu, Ahu Moana).
- **Central and local government** to treat tikanga and mātauranga as a valid source of law and knowledge in decisions about use and development of the marine environment (eg RMA consenting, fisheries allocation and management).
- **Central and local government** to facilitate local-scale implementation of marine rules, regulation and governance arrangements by investing in building relationships across temporal and spatial scales.
- **Central and local government** to increase community and industry buy-in to governance and decision-making processes and outcomes through collaboration and partnerships (eg Fisheries Act, cross-sectoral fisheries committees, multispecies fisheries plans, resource management plan advisory groups).

## Medium-term (<5 years) Develop marine law and policy

- **Legal Entity for the Ocean** to oversee the implementation of **Fundamental Marine Principles**, ensuring Tiriti-led implementation is being driven and managed by those with expertise and knowledge.
- **Central and local government** to ensure that marine law and policy development and implementation upholds Māori rights and interests (eg Te Tiriti o Waitangi, Treaty settlements, Māori commercial and customary fisheries, MACA Act) and is consistent with international law (UNDRIP, CBD, UNCLOS).
- **Central government** to commence a marine reform programme to align objectives across all marine legislation and related policy to **Fundamental Marine Principles** (including fisheries, planning, conservation and Māori).
- **Central government** to develop and implement a national fisheries policy framework.
- **Central government** to ensure any RMA reform programme gives adequate attention to the marine environment, including adopting a ki uta ki tai (mountain-to-sea) management approach that contemplates interconnected relationships across marine spaces and timescales.
- **Central Government** to commence marine protection/conservation reform programme (eg Conservation Act, Wildlife Act, Marine Protected Areas reform) giving sufficient attention to the marine environment; and recognising ecosystem linkages between species and habitats. Include adaptive/flexible corridor/habitat bioregional marine protections (including species interactions and seasonal dynamics).
- **Central government** to develop marine-based climate adaptation law and policy that reflects the value of the ocean as a nature-based solution to climate change (eg Climate Adaptation Act, blue carbon).
- **Central government** to continue to prioritise and resource settlement of MACA Act claims.
- **Central and local government** to continue to resource and implement cross-sector and cross-scale governance arrangements, including partnering with tangata whenua at appropriate scales.

- **Central and local government** to continue to resource and utilise mātauranga-based monitoring and assessment methods, localised social-ecological risk assessments (eg Bayesian Networks and Risk/Consequence approaches), and restoration approaches as an aid to marine planning and decision-making.
- **Central and local government** to continue to prioritise and resource Tiriti-led approaches including power-sharing with iwi and hapū when developing plans and policies (i.e. RMA transfers of power, mana whakahono ā rohe, customary fisheries, rāhui, MACA Act wāhi tapu, Ahu Moana).
- **Central and local government** to continue to treat tikanga and mātauranga as a valid and independent source of law and knowledge in decisions about use and development of the marine environment (eg RMA consenting).
- **Central and local government** to continue to facilitate local-scale implementation of marine rules, regulation and governance arrangements by investing in building relationships across temporal and spatial scales.
- **Central and local government** to continue to build community and industry buy-in to marine governance and decision-making processes through collaboration and partnerships (eg Fisheries Act, cross-sectoral fisheries committees, multispecies fisheries plans).

## Long-term (>5 years) Embed, review and adapt

- **Legal Entity for the Ocean** to continue to oversee the marine management across sectors and scales in line with **Fundamental Marine Principles**.
- **Central government** to continue to prioritise and resource settlement of MACA Act claims.
- **Central government** to introduce processes to review and adapt marine laws and policies on an ongoing basis to reflect changes in ecosystem, community and industry dynamics (eg climate change and technological advances), as guided by western knowledge and mātauranga.
- **Central and local government** to continue to resource and implement cross-sector and cross-scale governance arrangements, including partnering with tangata whenua at appropriate scales.
- **Central and local government** to continue to resource and utilise mātauranga-based monitoring and assessment methods, localised social-ecological risk assessments (eg Bayesian Networks and Risk/Consequence approaches), and restoration approaches as an aid to marine planning and decision-making.
- **Central and local government** to continue to prioritise and resource Tiriti-led approaches including power-sharing with iwi and hapū when developing plans and policies (i.e. RMA transfers of power, mana whakahono ā rohe, customary fisheries, rāhui, Ahu Moana).
- **Central and local government** to continue to treat tikanga and mātauranga as a valid and independent source of law and knowledge in decisions about use and development of the marine environment (eg RMA consenting).
- **Central and local government** to continue to facilitate and local-scale implementation of marine rules, regulation and governance arrangements by investing in building relationships across temporal and spatial scales.
- **Central and local government** to continue to build community and industry buy-in to marine governance and decision-making processes through collaboration and partnerships (eg Fisheries Act, cross-sectoral fisheries committees, multispecies fisheries plans).

# Appendix 2

This table sets out potential administrative options for a marine legal entity.

Legal Entity for the Ocean – Administrative Options						
	Expand remit of the Ministry for the Environment	Expand remit of the Ministry for Primary Industries	Ministry for the Ocean <i>New dedicated marine government department</i>	Statutory oceans agency/commission <i>New statutory agency (transitional or permanent)</i>	Expand remit of existing environmental agency/commission <i>eg Parliamentary Commissioner for the Environment, Climate Change Commission</i>	Expand remit of the Department of Conservation <i>Existing government department with responsibility for marine biodiversity conservation</i>
Establishment cost/effort	[Low] Limited establishment costs involved as policy and issues affecting the marine environment already within remit. Would require resourcing and mandate ('machinery of government' changes) to deal with the full range of issues affecting marine ecosystems and relationships	[Low] Limited establishment costs (excluding people resourcing) as an existing Ministry. Would require resourcing and mandate ('machinery of government' changes) to deal with the full range of issues affecting marine ecosystems and relationships	[Medium] would require 'machinery of government' changes to establish new Ministry with clear marine law and policy mandate, purpose, functions and powers. Establishment costs anticipated to be less than an independent oceans agency or commission	[High] Requires enabling legislation and establishment costs to enable statutory standing with clear marine oversight mandate, purpose, functions and powers	[Medium] Statutory entity already exists with clear environmental mandate, purpose, functions and powers. Currently lacks resources, expertise, and statutory mandate to deal with the full range of issues affecting marine ecosystems and relationships	[Low] Limited establishment costs (excluding people resourcing) as already an existing Department. Would require resourcing and mandate ('machinery of government' changes) to deal with the full range of issues affecting marine ecosystems and relationships
Potential to drive EBM across sectors/scales	[Medium] Given the environmental remit of the Ministry's portfolio (across land/sea), may enable holistic policy approaches (eg ki uta ki tai/mountains to the sea). Given the wide remit of the Ministry's portfolio, resources may be allocated to non-marine related issues (ie marine environment is not prioritised)	[Medium] Portfolio would need to be broadened to focus on the whole marine environment and not just extractive industries. Given the remit of the Ministry's portfolio, resources may be allocated to extraction-related issues (ie broader marine interests are not prioritised)	[High] Dedicated oceans entity for policy development and implementation. Would bring all marine policy development and implementation oversight within the one government department. May not have mandate/power to implement ki uta ki tai (on land) if restricted to marine policy	[Medium] Dedicated oceans agency for oversight rather than implementation. May not have influence over day-to-day marine decision-making (especially if advisory). May not have mandate/power to implement ki uta ki tai (on land) if restricted to marine policy	[Medium] Dedicated environmental agency for oversight rather than implementation. May not prioritise marine issues and outcomes. May not have influence over day-to-day marine decision-making (especially if advisory)	[Medium] Portfolio would need to be broadened to focus on the whole marine environment and not just conservation. Experience with integrated natural and physical resources management and marine protection across land/sea
Extent of political influence	[Medium-high] Subject to Ministerial control. Perceived as representative of environmental interests – and by some to be anti-development and/or anti-Māori. Complimented and checked by other environmental entities at 'arm's length' from political influence, such as the Parliamentary Commissioner of the Environment and Climate Change Commission	[Medium-high] Subject to Ministerial control. Perceived by some to be pro-extractive interests (fisheries, aquaculture, forestry, mining/petroleum). Complimented and checked by other environmental entities at 'arm's length' from political influence, such as the Parliamentary Commissioner of the Environment and Climate Change Commission	[Medium] Subject to Ministerial control. Would provide a whole-of-government EBM approach to marine law and policy development and implementation – and hold other departments to account. Potential to be representative of full range of marine interests. Could be a voice for the ocean. Complimented and checked by other environmental entities at 'arm's length' from political influence, such as the Parliamentary Commissioner of the Environment and Climate Change Commission	[Low] Dedicated marine-focused agency to hold government to account for marine law and policy outcomes. Could report to a Minister or to Parliament (arms-length from Minister). Potential to be representative of full range of marine interests. Could be a voice for the ocean	[Low] Dedicated environment-focused agency to hold government to account for marine law and policy outcomes. Could report to a Minister or to Parliament (arms-length from Minister). Potential to be representative of environmental interests. May not prioritise marine issues and outcomes	[Medium-high] Subject to Ministerial control. Keeps marine protection/restoration separate from development – could be a voice for the ocean. Perceived by some to be anti-development and/or anti-Māori. Complimented and checked by other environmental entities at 'arm's length' from political influence, such as the Parliamentary Commissioner of the Environment and Climate Change Commission
Potential to support Tiriti-led approaches	[Medium] Could adopt Tiriti-led approaches to marine law and policy development, including power-sharing, devolving power to iwi/hapū for place-based decision-making, and use of tikanga/mātauranga. Risk of environmental/local government/development interests balancing out Māori rights and interests	[Medium] Could adopt Tiriti-led approaches to marine law and policy development, including power-sharing, devolving power to iwi/hapū for place-based decision-making, and use of tikanga/mātauranga. Risk of extractive interests balancing out Māori rights and interests	[High] Could adopt Tiriti-led approaches to marine law and policy development, including power-sharing, devolving power to iwi/hapū for place-based decision-making, and use of tikanga/mātauranga. Representative of the full range of marine interests	[Medium] Could adopt Tiriti-led approaches to marine law and policy development, including power-sharing, devolving power to iwi/hapū for place-based decision-making, and use of tikanga/mātauranga. Representative of the full range of marine interests. May not have influence over day-to-day marine decision-making (especially if advisory)	[Medium] Could adopt Tiriti-led approaches to marine law and policy development, including power-sharing, devolving power to iwi/hapū for place-based decision-making, and use of tikanga/mātauranga. May not prioritise marine issues and outcomes. May not have influence over day-to-day marine decision-making (especially if advisory)	[Medium] Could adopt Tiriti-led approaches to marine law and policy development, including power-sharing, devolving power to iwi/hapū for place-based decision-making, and use of tikanga/mātauranga. Risk of conservation interests balancing out Māori rights and interests

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This document was prepared by Elizabeth Macpherson and Eric Jorgensen. We thank Challenge researchers and co-development partners for participating in workshops and reviewing drafts that informed the content.

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