Tikanga, Te Tiriti o Waitangi and Marine Governance

Governance Report and
Transitional Options

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Executive Summary

Marine governance in New Zealand stands at a critical juncture, demanding a paradigm shift that reflects and acknowledges the intrinsic values and obligations embedded within Te Tiriti o Waitangi. The current state of our marine environment is characterised by escalating tensions and stressors, signalling an urgent need for transformative measures. This report explores the multifaceted aspects of the required transformation, emphasising the importance of embracing an Indigenous worldview and reimagining governance structures grounded in tikanga Māori and Te Tiriti o Waitangi.

The marine environment, a cornerstone of New Zealand's identity and prosperity, faces unprecedented challenges. The intensification of human activities, climate change impacts, and the growing demands on marine resources have increased tensions, stressing the delicate ecological balance. The status quo is no longer tenable, necessitating a comprehensive examination of the concepts, values, and interests that underpin decision-making and prioritise human interactions with our oceans.

The urgency for change is underscored by the mounting momentum towards sustainability on a global scale. Industries dependent on natural resources are experiencing a shift in societal expectations, with an increasing sensitivity to non-financial factors and a demand for a social license to operate. Public scrutiny of extractive and destructive practices in marine interactions further amplifies the groundswell of sentiment, urging a reconsideration of the principles and practices governing our oceans.

In the face of these challenges, marine governance in New Zealand needs a comprehensive overhaul. The prevalent governance models, influenced by Western perspectives, must be reassessed to accommodate a more inclusive and holistic approach that acknowledges the Indigenous worldview embodied in te ao Māori and Te Tiriti o Waitangi.

The concept of Te Tiriti o Waitangi goes beyond a historical agreement; it embodies promises and obligations that extend to the stewardship of natural resources, including the marine environment. To meet these obligations now and into the future, there is a pressing need to navigate towards a marine governance system that respects and actively incorporates Māori perspectives, fostering a sense of shared responsibility.

A holistic approach is paramount in addressing the intricate challenges faced by New Zealand's marine environment. Central to this approach is the recognition of Māori genealogical connections to Tangaroa and Hinemoana, encapsulated by the principles of mana atua, mana tangata, and mana moana. These principles intertwine spirituality, human connection, and environmental guardianship, urging a profound responsibility to look after one another.

This sense of responsibility is not merely a cultural sentiment but a guiding principle that can redefine the very essence of marine management and governance in Aotearoa. It advocates placing Tangaroa and Hinemoana (embodying an ocean-centric approach) at the heart of decision-making processes, elevating the ecological and cultural integrity of the marine environment.

To achieve holistic and inclusive marine governance models, it is imperative to embrace Indigenous worldviews. Māori perspectives, rooted in centuries of intimate connection with the land and sea, offer a rich tapestry of knowledge and values that can guide sustainable practices. This embracement also acknowledges that Māori are tangata whenua, the original inhabitants of Aotearoa and, by that right, are uniquely positioned to contribute to the governance and management of people's interactions with the ocean.

Integrating these perspectives into governance frameworks acknowledges historical injustices, takes a step towards rectifying imbalances, and fosters a collaborative vision for the future of marine governance in New Zealand.

The research navigates these aspects of our marine governance system, calling for governance models that respect diversity, acknowledge historical agreements, and embrace sustainability, which is becoming not just a necessity but a moral imperative for the well-being of our oceans and the people of Aotearoa.

This report aims to consolidate the various elements of the Tangaroa Ararau Research Project to propose marine governance models grounded in tikanga Māori and Te Tiriti o Waitangi.

Our Approach

Engaging in a comprehensive exploration of various perspectives, including Indigenous wisdom and contemporary insights, is imperative. The research embarked on a methodical approach to identify potential marine governance models for Aotearoa.

The methodology for the research commenced with the development of a robust set of design principles. These principles, "Ngā Pae Moana", were meticulously crafted alongside experts to guide the creation of effective marine governance structures. Crucially, they were designed to uphold alignment with Te Tiriti o Waitangi, tikanga Māori, and the integral inclusion of the ocean in decision-making processes.[1]

A series of future thinking wānanga was held. These wānanga explored Three Horizons and scenario planning. During these sessions, participants engaged in in-depth discussions and activities aimed at envisioning and strategising for potential futures. Using the Three Horizons framework, emerging trends, innovations, and disruptions were identified and analysed. Diverse narratives about possible future

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[1] Tangaroa Ararau Guiding Framework - Ngā Pae Moana

states were created through scenario planning, enabling us to better prepare for uncertainties and opportunities. The collaborative nature of these wānanga fostered rich exchanges of ideas and insights, enhancing our collective foresight and strategic planning capabilities.

Moving forward, the research concentrated on three pivotal areas: customary fishing, commercial fishing, and the implementation of the Marine and Coastal Area (Takutai Moana) Act 2009. We employed analytical methodologies such as the Futures Triangle and Causal Layered Analysis to gain insights into these domains. These tools facilitated a deeper understanding of stakeholders' collective unconscious, unveiling underlying motivations, assumptions and aspirations.

Simultaneously, we extensively reviewed governance and Indigenous governance literature, spanning domestic and international sources. This thorough investigation aimed to broaden our comprehension of diverse marine governance approaches while ensuring alignment with Māori values and principles. By synthesising insights from various sources, the research aimed to inform the development of marine governance models that resonate with Aotearoa's unique context and aspirations.

Ngā Pae Moana: Guiding Principles for Marine Governance Models

Ngā Pae Moana emerged from a deep commitment to creating a robust and inclusive framework for marine governance in Aotearoa. This framework was developed through extensive consultation with diverse stakeholders, including indigenous communities, marine scientists, environmentalists, and policymakers. By integrating Māori knowledge with contemporary governance principles, Ngā Pae Moana reflects a holistic approach that honours ecological sustainability, Māori rights, economic development, and cultural heritage.

Throughout our research, Ngā Pae Moana has guided our methodologies and ensured that our work remains comprehensive and inclusive. These principles have provided a structured foundation, enabling us to navigate the complexities of marine governance and foster collaboration across different sectors and communities.

Ngā Pae Moana design principles are:

1. **Tātai Hono:** Connection and obligation underscores the profound interconnectedness of humankind and the marine environment. It transcends a mere acknowledgement of this relationship: it instils an active awareness, fostering a tangible sense of obligation through the concept of shared whakapapa (genealogy). In this context, Whakapapa signifies the ancestral lineage connecting people, the ocean, and sea life. This principle invites a paradigm shift, encouraging a holistic view that perceives the ocean's health as inseparable from the well-being of communities.

2. **Tauutuutu / reciprocity** forms the bedrock of all interactions within the oceanic context. It goes beyond a transactional understanding, encompassing a duty of care and acknowledgement of Tauutuutu. This principle demands that we recognise the inherent sense of obligation embedded in any position of authority or transference of power. By acknowledging and embodying reciprocity, marine governance models can transcend exploitative dynamics, promoting a balanced and sustainable coexistence with the ocean.

3. **Ngahue / well-being and prosperity** acknowledges the pivotal role of the ocean in driving well-being and economic prosperity. The multifaceted scope of ocean-derived prosperity extends beyond economic success to encompass community well-being, sustenance, and environmental balance. This principle advocates a comprehensive understanding of the ocean's contributions to human flourishing, guiding governance models towards a holistic approach that values human and ecological wellbeing.

4. **Mana / authority** emphasises the enablement of self-determination by devolving decision-making power. Reaffirmed in the words of Te Tiriti o Waitangi, this acknowledges the unique relationship that Māori have as tāngata whenua (first settlers of Aotearoa) in upholding the rangatiratanga of iwi and hapū. Rangatiratanga governs human interactions and empowers iwi and hapū to choose and embody their unique connection to the moana through tikanga. This principle ensures that cultural knowledge and practices remain uncompromised and unburdened by external influences.

5. **Taurite / recognition** of the value and importance of traditional knowledge systems (mātauranga Māori), practices, and protocols (tikanga Māori). This principle calls for equity in decision-making, acknowledging the richness and relevance of indigenous knowledge in shaping marine governance models. It advocates harmoniously integrating traditional and contemporary approaches, creating a nuanced and inclusive framework.

6. **Toipoto / local decisions made locally** advocates systems that are informed by and deferred to the people at the local level. It recognises and empowers localised solutions driven by intimate, place-based knowledge. By prioritising local decision-making, this principle aims to bridge the gap between governance structures and the diverse needs of communities, fostering a more responsive and adaptive approach to marine management.

NGĀ PAE MOANA - OUR DESIGN PRINCIPLES

These principles are flexible guidelines that shape mental models, which are crucial drivers of change. By targeting dominant mental models embedded in current systems with these design principles, we unlock a powerful lever for transformation.

Ngā Pae Moana offers a comprehensive, culturally grounded approach to marine governance, encouraging a paradigm shift toward a holistic relationship with Tangaroa. Drawing on the wisdom of the past, it envisions these principles as integral components of future marine governance models.

As we embark on this journey of change, Ngā Pae Moana serves as our foundational framework, guiding us to design and implement governance models that centre the ocean in decision-making and acknowledge and provide for Te Tiriti o Waitangi and the sustainable coexistence envisioned by Māori culture. It is a call to action, steering us toward a future where the well-being of our oceans and the people of Aotearoa are harmoniously intertwined.

Futures Thinking

To advance the development of future marine governance models, we employed a futures thinking approach to envision the necessary models for the future. This method involved actively considering and preparing for potential future scenarios and developments, adopting a strategic mindset that transcended short-term planning to anticipate and adapt to emerging trends, challenges, and opportunities. Critical aspects of our process included environmental scanning, the Three Horizons framework, and scenario planning.

Environmental scanning

Environmental scanning involves identifying and analysing events that could impact the future. A significant benefit is the expansion of collective awareness within the group. By sharing and discussing stories, we gain a broader understanding of our operating environment and can speculate on how these stories might develop. For our project, we focused on themes such as the application of Indigenous knowledge across domains, innovative forms of governance (both marine and beyond), and events related to seas and oceans.

We also sought innovative and inspiring examples from analogous sectors and professions. We created a scanning tool to identify stories and weak signals of change that would inform, provoke, and challenge our perspectives. Group members were invited to submit stories of interest into a digital tool before the first futures wānanga. Each story could be classified into different categories based on the STEEP framework (Social, Technology, Environment, Economic, and Political), with additional categories for Legal and Art to broaden our collective thinking.

Three Horizons

Our first futures workshop was a platform for collective understanding and decision-making, facilitated by Bill Sharpe's Three Horizons framework. This framework was instrumental in unpacking our collective perspectives on the project and building a cohesive vision for its direction. As explained by the International Futures Forum, it facilitated conversations about the dominant system and its future sustainability, highlighting the need for change (Horizon 1), the desirable future state (Horizon 3), and the tensions between the present reality and future vision (Horizon 2).

In this wānanga, we explored the roles of different actors within the three horizons of change. We categorised the signals and stories collected during the environmental scanning process and supplemented this with a series of questions posed by the facilitator. We also conducted a pre-workshop survey to capture participants' vision for the project, particularly regarding te ao Māori. This data led to rich discussions and helped align the group's understanding of critical concepts like "rangatiratanga".

Scenario planning

Scenario planning, a standard method in futures thinking, involves creating alternative future scenarios based on various factors and events. By exploring multiple possible futures, organisations can better prepare for different outcomes.

Using Jim Dator's Futures Archetypes framework and with the assistance of artificial intelligence[2] we developed a set of scenarios.

1. Technological transformation – waves of change

In 2045, Aotearoa experiences a remarkable technological transformation that reshapes marine governance. Weather manipulation technologies and genetic engineering have been created through international cooperation to address climate change impacts on the oceans. Personhood recognition for aquatic creatures and representation of non-human perspectives guide governance decisions.

Genetically modified organisms (GMOs) revolutionise aquaculture while facing strict regulations and ethical considerations. Autonomous underwater vehicles and ocean sensors monitor fish stocks, enabling ecosystem-based management and prosperity for all. Though tensions arise over implementation, Aotearoa's oceans have become a sustainable and equitable resource, a testament to the power of science and collaboration.

2. Cultural transformation – mana moana

In 2045, Tangaroa boasts a thriving ecosystem governed by an innovative ocean governance system. Constitutional reforms recognising Māori as the first inhabitants of Aotearoa and granting iwi and hapū autonomy in marine governance underpin this success. The Māori Renaissance, led by passionate rangatahi, drives societal change and secures iwi rights to taonga and decision-making.

Active community participation and sustainable tourism practices enhance ocean conservation and cultural significance. However, resistance from some circles creates political tensions, challenging the progress towards an equitable and sustainable marine future for New Zealand.

3. Continued growth – circular seas

In 2045, New Zealand will embrace a circular ocean economy amid climate change challenges. The government navigates the delicate balance between economic growth and marine ecosystem protection. Māori leaders drive the shift towards sustainable practices, promoting plant-based alternatives and advancing AI-driven marine research.

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[2] We used the model to develop scenarios and manage information quickly. To ensure ethical use, we anonymised data, opted out of Open AI's data training, used an iterative approach with multiple prompts, fact-checked and edited outputs manually, and ensured accuracy in Te Ao Māori terminology and addressed issues collaboratively.

Collaborative efforts lead to ecosystem-based management and innovative monitoring technologies. Legislation supporting sustainable practices meets resistance from the fishing and tourism industries. A united effort creates a thriving circular ocean economy, prioritising environmental health and the well-being of future generations.

4. Limits and discipline – the thin blue line

In 2045, New Zealand's ocean governance grapples with climate change and emerging ocean industries. Advancements in technology and regulation enable sustainable management, but challenges arise from increased seafood demand and costly fishing regulations. Coastal marine spatial planning (MSP) is a comprehensive solution that balances human activities and conservation.

Climate change adaptation remains crucial, while political pushback and surveillance concerns hinder progress. Amidst uncertainties, a new black market for seafood emerges, prompting a government crackdown and growing discontent among the people, longing for a more optimistic future.

5. Collapse scenario – the meltdown

In 2045, Aotearoa grapples with the catastrophic consequences of the Antarctic ice shelf collapse. Coastal cities are submerged, marine ecosystems devastated, and the fishing industry decimated, leading to widespread unemployment and inequality. International cooperation breaks down, and survival becomes the priority over sustainability.

Once-promising technologies are defunct, and marine protection takes a backseat to basic survival needs. Despite the hardships, communities rely on resilience, sharing resources, and embracing mātauranga Māori to adapt to the new way of life. The tragedy serves as a poignant reminder of the planet's fragility and the urgent need for collective action against climate change.

In constructing the different archetypes, we developed narratives of how these future scenarios emerged. We did this to assess responses to these events and surface the elements of what might be preferable and what the group might want to avoid in the future.

As an additional element to creating a refined set of five scenarios, we again used artificial intelligence to augment our capability and create a richer story.

Through another wānanga, each archetype was split into five-year blocks of time. In each block, we constructed events, characters and institutions that evolved on the road to our 2045 scenario. These timelines were tested with the team for credibility and cultural alignment. Names were edited, and stories were connected to different parts of the country, iwi, or Māori entities. This ensured a thread of believability was woven through each scenario while creating sufficient discomfort or disbelief to stimulate and inspire challenging ideas and conversations.

What follows is an example of these speculative events from Scenario 5 – The meltdown.

This is from the 2030 block in the timeline.

- The New Zealand government passes the Climate Change Response (Adaptation) Act, which establishes a framework for preparing for the impacts of climate change, including rising sea levels. The Act is spearheaded by the Minister for Climate Change, Olivia Chen, who describes it as "an essential step towards ensuring the safety and resilience of our communities."
- Indigenous communities in New Zealand form the Alliance of Indigenous Peoples of the Pacific, an advocacy group that aims to promote and protect Indigenous peoples' rights and interests in climate change policy. The group is led by Hana Mahealani, a Māori activist and community leader.
- The New Zealand fishing industry experiences a downturn due to declining fish stocks and increasing regulations to protect marine ecosystems. The industry responds by investing in research and development of sustainable fishing practices and diversifying their products.
- A group of scientists and activists, led by the marine biologist Dr. Hemi Tapu, publish research on the impact of ocean acidification on New Zealand's shellfish industry. The research leads to new monitoring and mitigation strategies to protect the industry.

Identifying pivotal shifts

The five scenarios contained 25 blocks in total, building rich stories and enabling the workshop participants to dive into these future worlds and identify some of the pivotal shifts needed to transition to a new Tangaroa-centric system of governance. Through the wānanga, various pivotal shifts emerged. The table below identifies eight system shifts that will support the transition to our vision.

From…	To…
Western environmentalism, which can be its own form of colonisation	A holistic approach that puts Tangaroa at the heart, an indigenised approach particular to Aotearoa
An inwardly focused governance approach, localised to Aotearoa	Leading an Indigenous, collaborative, pan-Pacific approach to marine governance
A centralised, Crown-driven approach to marine governance	A locally informed system that can scale decisions from whānau and hapū to iwi-level, depending on the context and need
Traditional Western leadership models and approaches	Enabling new forms of leadership and leaders fit for a rapidly changing world and to acknowledge everything that has gone before as tika for the time

Western science owning the narrative about marine governance and research & development	Mātauranga Māori being equally regarded, and Māori driving the marine governance narrative in science and innovation
An extractive attitude of "What can we get from Tangaroa?"	A transformational attitude of "What do we want our relationship with Tangaroa to be?"
A governance system constrained by partnership paradigms	A governance system that supports rangatiratanga and autonomy
(Māori/Aotearoa) Being great in a crisis (Being able to move quickly at a council level and being able to connect with whānau)	Anticipating issues and not requiring a crisis to address issues or create change

Based on the scenarios, the wānanga, and the pivotal shifts identified above, we also identified what should be accelerated and avoided to achieve the visions of marine governance models for the future.

What should be accelerated and what should be avoided

	What we want to accelerate	What we want to avoid
Visionary and aspirational	• Amplification or acceleration of creative solutions that will assist Māori in governing taonga (e.g. moving on from legal personhood). • The potential to change our relationship with the ocean. • Proactive coordination of strategic foresight within Māori communities. • Sharing knowledge and expertise with other Indigenous communities, amplifying sharing to become a collective rōpū of Indigenous peoples representing the moana in international forums. • The Indigenous economy. • The establishment of new, courageous leadership structures. • A multifaceted approach to changing public discourse. • Reimagining institutions to be what we desire. • Constitutional change that creates a space for Māori (mātauranga/tikanga/co-governance), as the original founders and settlers of Aotearoa. • Opportunism over protectionism. • Lessons learned, not costs paid.	• Reactionary identification of emerging issues rather than strategic drivers. • Reactive decisions and losing sight of Tangaroa. • Communities retreating into their houses after the event.
Governance	• The application of our tikanga, values in practice.	• Māori not having a voice in the process or a seat at the decision-making table. • Being absent in the leadership of ideas.

	What we want to accelerate	What we want to avoid
	• Investment in getting the framework right, i.e. Te Tiriti rights and marine governance with Tangaroa at its heart. • Commitment to our values.	• Not having our own frameworks in place to engage productively in the discussions. • Unclear purpose – different focus under different initiatives/bodies, without coordination. • Multiple governing bodies, governed by overlapping/conflicting could be overriding existing rights and reallocating.
Mechanisms and approaches	• Evidence-based sustainability decisions, and compensation if infringing on our rights.	• Loss of control of important issues, i.e. how climate change and food security have run away from us. • Repetition of processes like Treaty settlements. • Punitive focus. • Overreaching, '1984' surveillance. • Perverse incentives for behaviour. • Selfish behaviour on the way out. • A general lack of urgency.
Economies and industry	• Approaches that balance the ecological and economic value of the environment.	• Maximising profit as the key driver. • Mitigating local and community benefits in favour of global and private benefits.
Science, technology and innovation	• Research and innovation in climate change and food security. • Investment in technologies/research and innovation so that we can create solutions for the issues that will arise. • Potential for tech to drive positive change IF undertaken in the proper ethical context. • Collaboration to scale up innovation.	• Manipulating the weather/artificially managing our environment/weather as a solution. • The free breeding of GMOs. We want to mitigate the risk that GMOs will further damage our environment. • No mechanisms for considering innovation costs (perceived costs are dispersed, usually landing on poor communities).

	What we want to accelerate	What we want to avoid
		• Prejudicing commercial interests over environmental interests in the balancing exercise between the two.
Data	• The collection of meaningful data that can be managed and used effectively. • Increased monitoring and data collection emphasis.	
International collaboration and connection	• Agreements between Indigenous peoples. • Connecting Pacific peoples to speak as a unified voice for Te Moana Nui a Kiwa.	

Futures thinking emphasises the need for adaptability. It encourages individuals and organisations to be flexible and responsive to change, recognising that the future is uncertain and dynamic. To prepare for the future, it is essential to foster innovation and creativity. This involves exploring new ideas, technologies and approaches that can potentially shape the future landscape.

Taking a futures thinking approach is not about predicting the future with certainty but rather about developing a strategic and open-minded mindset that prepares for a range of possibilities. It helps in making informed decisions today that consider the potential impacts and challenges of tomorrow. This approach has assisted in formulating key components of future marine governance models for Aotearoa New Zealand.

Traditional public policies and governance approaches are based on models that attempt to respond to issues that societies face and are based on assumptions that things will unfold as they have in the past. It is important to note that what has served us well up until now may not be appropriate in the future. How, then, can we ensure that our governance approaches consider a "future time dimension" even if its focus is on immediate public concerns? In more practical terms, how can we ensure that the decisions we make today consider potential future impacts? To grapple with this uncertainty requires taking both a long-term perspective and being anticipatory in the face of emerging realities.

Focus Area Report

The focus report used the Futures Triangle, a futures insight tool used to identify plausible futures by better understanding the dynamic tensions between the past, present and future, each having its own drivers and influences. This provided the platform to delve into three focus areas: Māori customary fishing, Māori commercial fishing, and the Marine and Coastal Area (Takutai Moana) Act 2011. Using another futures tool, causal layered analysis, the investigation highlighted the intricate issues surrounding Māori rights in the context of ocean governance and the deep-seated challenges that need resolution. These challenges must be addressed to achieve the overarching goal of creating a marine governance regime centred on the ocean and underpinned by tikanga Māori and Te Tiriti o Waitangi.

In summary, the focus area report found that the 'weight of the past', deeply rooted in tikanga, shapes the perspectives and behaviours of Māori communities, guiding their resilience and collective action. The examination of customary fishing dynamics revealed power imbalances between the Crown and Māori communities, highlighting the need for genuine recognition and empowerment of Māori rights within governance structures, aligned with decolonisation principles.

Similarly, commercial fishing activities require a balance between economic goals and cultural and community aspirations. Unity in adhering to tikanga Māori and

acknowledging diverse perspectives are essential for sustainable and inclusive management practices.

Furthermore, the Marine and Coastal Area (Takutai Moana) Act 2011 contains vulnerabilities for safeguarding Māori rights, worsened by colonial governance systems and conflicts between Western legal frameworks and tikanga Māori. This legal uncertainty perpetuates historical biases, institutional barriers, and marginalisation within decision-making processes.

In the Focus Area Report we identified that to change the trajectory of the current system to one that is underpinned by tikanga and Te Tiriti o Waitangi, we must:

Develop a framework that:
- Recognises and honours the deep-seated values, principles, and cultural norms inherent within Māori communities, rooted in centuries of tradition and cultural heritage.
- Shifts our perspective from Western legal systems to tikanga, emphasising overarching principles as the guiding force in decision-making.
- Embraces alternative frameworks that prioritise sustainability, cultural integrity, and community wellbeing, challenging traditional economic perspectives to create a more inclusive and equitable future.

Acknowledge and address:
- The multifaceted narrative surrounding power dynamics between the Crown and Māori communities, rooted in colonial legacies and the ongoing quest for self-determination.
- The fact that for the Crown to genuinely recognise and empower Māori rights, the Crown must understand that authority resides within Māori communities.
- The deep-seated issues of power dynamics, cultural hegemony, and legal interpretation that underpin these challenges.
- The historical context of colonial imposition and its impact on indigenous autonomy and sovereignty.
- The preservation and restoration of Māori rights and cultural practices as integral components of our collective identity and societal fabric.
- The delicate balance for maintaining Māori communities 'way of life' amidst political compromises and competing stakeholder interests.

Encourage:
- The diversification of economic activities beyond fishing, reducing reliance on a single revenue source and aligning economic interests with cultural aspirations.
- Incentives that allow Māori to maintain cultural integrity and values while engaging in economic activities – suggesting that economic pursuits should not overshadow or compromise cultural goals.

- A need for unity and consistency in values and knowledge systems among entities mandated by the same iwi and hapū, ensuring alignment in perspectives and approaches to resource management.
- The prioritisation of preserving and restoring Māori rights and cultural practices as integral components of our collective identity and societal fabric.
- Equity and fairness within the industry, highlighting the need for policies and practices that promote a level playing field while ensuring that smaller operators are not disadvantaged.

Reform:
- Existing legal frameworks to align with tikanga Māori and mātauranga Māori, fostering mutual respect and collaboration.
- The adversarial nature of the legal systems, mitigating tensions arising from conflicts between Western legal principles and Māori cultural values.
- The ambiguity and uncertainty surrounding legal arrangements, particularly concerning Māori rights, by dismantling historical biases and institutional barriers.
- Proactive measures that promote inclusivity, transparency, and fairness in decision-making processes and governance arrangements reduce the likelihood of prolonged legal battles and associated costs.

The focus area report, underpinned by the Futures Triangle and the Causal Layered analysis, served as powerful tools for dissecting power dynamics, cultural hegemony, and legal interpretations, paving the way for identifying holistic solutions. Embedding a system committed to sustainable resource management necessitates systemic change, genuine recognition, empowerment, collectivisation, and collaboration.

Governance Literature Review

In pursuing effective governance within marine environments, it is essential to delve deeper into the multifaceted concept of governance itself. In phase one of this research project, an in-depth literature review was conducted, encompassing a broad range of literature related to tikanga, Te Tiriti o Waitangi and governance. This section delves into the literature, reflecting the research project's journey. By examining the literature through a slightly different lens, we aim to better under the challenges, potential options, frameworks, and principles that could enhance future marine governance and management.

Marine Governance

The Breaking Wave – A Conversation about reforming the oceans management system in Aotearoa New Zealand Working Paper[3]

The project focuses on the future of integrated ocean management and is structured into three parts: the current situation, options for reform, and alternative models for future management. Key themes include integrating te ao Māori and tikanga Māori into the system design and ensuring obligations under Te Tiriti are met.

The paper emphasises that Māori perspectives should guide the system rather than being mere subjects of it, advocating for full integration of Te Tiriti across all tiers. This involves Māori not just being participants but also decision-makers, ensuring Māori sovereignty and kaitiaki responsibilities are recognised.

The appendices provide additional details. Appendix 3 discusses the potential for marine spatial planning under the proposed Strategic Planning Act, ensuring mana whenua relationships with the marine environment are acknowledged. Appendix 4 explores international approaches, like Victoria's Marine Spatial Planning Framework and British Columbia's conservancies and Indigenous Protected Areas, highlighting Indigenous involvement in ocean management.

Chapter 6 offers legislative reform options, such as combining and updating various acts (e.g. the Resource Management Act (RMA), the Exclusive Economic Zone (EEZ) Act, and the Wildlife Act) and reconsidering the boundaries of the Maritime Transport Act. It also suggests shifting environmental limits from the Fisheries Act to the RMA/EEZ Act.

In terms of governance, the paper suggests creating a national Māori advisory body for oceans, improving capability and funding, and ensuring clear frameworks for reporting and decision-making. It calls for a deeper exploration of

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[3] Severinsen, G., Peart, R., & Rollinson, B. (2021, August). The Breaking Wave: A Conversation about Reforming the Oceans Management System in Aotearoa New Zealand Working Paper.

implementing Te Tiriti obligations and incorporating mātauranga Māori into the system, recognising it as sacred knowledge that requires Māori-led engagement. The paper advocates a significant rethink of the science-policy interface to reflect te ao Māori perspectives and priorities.

Ocean Governance - The New Zealand Dimension Full Report[4]

This report reviews principles, planning tools, and policy instruments to improve marine governance in New Zealand. It finds that the current framework uses a fragmented, sector-by-sector approach, leading to spatial and temporal overlaps, user conflicts, and inadequate protection of culturally and ecologically sensitive areas. There is a disconnect between authorities managing different activities and between offshore activities and dependent onshore communities.

The study highlights several challenges: a lack of institutional capacity to manage marine resources across jurisdictions, scientific uncertainty, insufficient information on marine ecosystems, and the need to balance economic use with ecosystem maintenance. It also considers Māori interests, Treaty obligations, pressures from marine area use, impacts of terrestrial inputs, international treaties, and the effects of climate change and multiple uses on marine ecosystems.

The report recommends that regional councils develop integrated marine plans for the territorial sea to prevent future conflicts. It suggests a new central government role to support ecosystem-based marine planning and decision-making, requiring stronger interagency coordination and new public policies. Additionally, it advocates collaborative, place-based decision-making to address potential conflicts in marine areas likely to be developed. The report outlines new principles, planning tools, and policy instruments to support an ecosystem-based approach to marine governance across management sectors for the EEZ.

The Politics of Ocean Governance Transformations[5]

This paper explores the politics of ocean governance transformations by analysing three case studies: the Food and Agriculture Organisation's (FAO) voluntary guidelines for small-scale fisheries, debt-for-nature swaps in the Seychelles, and the United Nations' negotiations for a high seas treaty. These case studies illustrate shifts toward different governance approaches: rights-based, market-based, and conservation-based.

The paper concludes that ocean governance transformations are both inevitable and apolitical. Politics plays a critical role in determining which pathways are supported, legitimised, ignored, and which fail to gain traction. Various actors drive transformations with differing objectives and degrees of power. These objectives are articulated and negotiated through interactions that can reassemble

[4] McGinnis, M. V. (2012, August 8-15). Ocean Governance: The New Zealand Dimension Full Report. Centre for the Blue Economy.
[5] Blythe, J. L., Armitage, D., Bennett, N. J., Silver, J. J., & Song, A. M. (2021). The politics of ocean governance transformations. Frontiers in Marine Science, 8. https://www.frontiersin.org/journals/marinescience/articles/10.3389/fmars.2021.634718/full

rights, access, and control, but there is also a risk that existing conditions become further entrenched rather than transformed.

The analysis suggests that efforts to transform are situated in contested, historical landscapes that bias the trajectory of change. Power dynamics shape whose agendas and narratives drive transformational change, and transformations create uneven distributions of costs and benefits, which can either facilitate or stall progress toward intended goals. Understanding the politics of transformative change is critical for realising equitable ocean governance.

Pacific Islands Regional Ocean Policy and Frame for Integrated Strategic Action[6]

This regional ocean policy for the Pacific Islands, developed by a multi-organisational working group, outlines a framework for the sustainable development, management, and conservation of the region's marine resources and habitats. The policy, grounded in international law, aims to improve understanding of the ocean, sustainably manage ocean resources, maintain ocean health, promote peaceful use of the ocean, and foster partnerships and cooperation.

The policy focuses on identifying information needs, strengthening national and regional capacity, facilitating access to information, respecting traditional knowledge, and promoting further education to enhance understanding. Sustainable development and management efforts include implementing resource management actions with a precautionary approach, ensuring equitable resource access, involving local communities in decision-making, building capacity, and protecting traditional knowledge rights.

Maintaining ocean health requires an integrated transboundary approach to marine ecosystems, incorporating sound environmental and social practices into economic activities, conserving biological diversity, and reducing pollution impacts. Promoting peaceful use involves ensuring activities comply with international and regional standards, seeking remedial action for non-peaceful use, and encouraging cooperation among law-enforcement agencies.

Fostering partnerships and cooperation involves promoting collaboration in security, monitoring, enforcement, and sustainable use, utilising regional and international alliances, considering policies in adjoining ocean jurisdictions, and ensuring national ocean policies align with this regional framework.

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[6]Marine Sector Working Group of the Council of Regional Organisations of the Pacific. (2005). Pacific Islands Regional Ocean Policy and Frame for Integrated Strategic Action.

Governance for Systemic and Transformational Change: Redesigning Governance for Anthropocene[7]

In the rapidly changing landscape of the twenty-first century, traditional governance models face unprecedented challenges. Governments can no longer rely solely on existing institutions and practices to address our time's complex and interconnected issues. As environmental disruption alters entire planetary systems and societies grapple with uncertainty and conflict, the need for innovative approaches to governance has never been more urgent.

Governance must navigate the delicate balance between order and chaos in complex systems. While complex patterns may emerge, they can also be deliberately shaped through self-organisation, centralised control, and market incentives. Effective governance in the twenty-first century requires harnessing these forces to promote sustainability, equity, and social cohesion.

Crucially, the future of governance hinges on stronger collaboration between the private sector, civil society, and a well-resourced state. By eliciting people's preferences and objectives through democratic processes and fostering human development, governance can build collective and individual agency towards achieving the common good. This collaborative approach is essential for addressing the complex, interconnected challenges facing society today.

As we navigate the complexities of the twenty-first century, governance arrangements must evolve to meet the challenges of an interconnected world. The key principles required for transformation include:

Systemic thinking lies at the heart of effective governance in the modern era. Rather than addressing issues in isolation, systemic governance recognises the interconnectedness of problems and solutions. Leaders, policymakers, and citizens must adopt a holistic view, understanding not only the behaviour of individual components but also their interactions within complex systems. By embracing uncertainty and continually adapting to change, systemic governance can develop robust policies and strategies in the face of diverse futures.

Transparency is fundamental to building trust and accountability in governance. Openness and accessibility of information empower citizens to participate in decision-making processes, hold leaders accountable, and contribute to the co-creation of solutions. Transparent governance fosters public confidence, strengthens democratic institutions, and promotes inclusive and equitable outcomes.

Inclusion is essential for ensuring that governance processes reflect the diversity of voices, perspectives, and interests within society. By engaging stakeholders from all sectors and backgrounds, inclusive governance can harness collective wisdom,

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[7] Florini, A., Sharma, S., & LaForge, G. (2023). Governance for Systemic and Transformational Change: Redesigning Governance for the Anthropocene. New York.

build consensus, and address the needs of marginalised and vulnerable communities. Inclusive decision-making promotes social cohesion, reduces inequality, and enhances the legitimacy of governance systems.

Subsidiarity emphasises the importance of devolving decision-making authority to the lowest appropriate level of governance. By empowering local communities and institutions, subsidiarity enhances responsiveness, efficiency, and accountability in governance. Decentralised governance structures enable tailored solutions that are better suited to local contexts and priorities, fostering innovation and resilience.

These four principles must work together synergistically to create truly systemic governance. While the challenges of the twenty-first century are diverse and complex, adopting these guiding principles offers a pathway towards greater adaptability, trust, and sustainable prosperity.

Cabinet Paper - Ensuring Healthy Ocean Ecosystems[8]

In June 2021, a Cabinet Paper sought approval to create a new Oceans and Fisheries Portfolio. The paper highlighted the fragmentation of New Zealand's current marine management system, which cannot respond holistically or timely to emerging pressures. The proposed portfolio aims to adopt a more integrated approach to promote an ecosystem-based approach to research, monitoring, and management, establish a spatial planning framework to optimise marine space and resource use and support the development of a high-value marine economy that provides equitable well-being benefits.

Cabinet agreed to a vision for the Oceans and Fisheries Portfolio, focusing on ensuring the long-term health and resilience of ocean and coastal ecosystems, including fisheries. Cabinet agreed on the objectives and principles required to support this vision, an initial work programme, an assessment of the work programme's effectiveness, and future long-term work requirements. Additionally, an Oceans and Marine Ministers Group (OMMG) and an interagency Oceans Secretariat were established to ensure the work's delivery.

The portfolio aims to create stronger connections with related portfolios such as Conservation and Environment, facilitating progress towards ecosystem-based management. This integrated approach will address marine resources' competing values and uses while maintaining the supporting ecosystems.

Fundamental principles include adhering to the principles of Te Tiriti o Waitangi / Treaty of Waitangi through fisheries and aquaculture settlements and other legislation, making decisions based on sound science and traditional knowledge, and ensuring inclusive, transparent, and effective public participation processes.

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[8] New Zealand Government. (2021, June). Cabinet Paper: Oceans and Fisheries Portfolio: Ensuring Healthy Ocean Ecosystems.

Indigenous Governance

Matike Mai Aotearoa – He Whakaaro Here Whakaumu mō Aotearoa[9]

Matike Mai Aotearoa is a report by an independent working group on constitutional transformation. The project's aim was to develop a model for an inclusive constitution for Aotearoa based on tikanga, He Whakaputanga o te Rangatiratanga o Niu Tireni of 1835, Te Tiriti o Waitangi of 1840, and other internationally recognised Indigenous human rights instruments.

The report begins by exploring the concept of constitutions within te ao Māori, identifying mana as the core of political and constitutional power, with ariki or rangatira as the decision-makers. Mana is dependent on tikanga, and it must be exercised in a tika (correct) way.

The working group identified several constitutional values that should underpin the new constitution, aiming for a conciliatory and consensual democracy rather than an adversarial and majoritarian one. These values include:
- Tikanga: incorporating core ideals.
- Community: ensuring fair representation and fostering good relationships.
- Belonging: fostering a sense of belonging for everyone.
- Place: promoting relationships with Papatūānuku (the Earth Mother).
- Balance: respecting the authority of rangatiratanga (chiefly authority) and kāwanatanga (governance) within their respective spheres.
- Conciliation: establishing a jurisdictional base and means of resolution for a conciliatory democracy.
- Structure: ensuring fair representation, openness, and transparency through structural conventions.

The working group proposed several models for constitutional transformation, guided by the foundational value of conciliation.

He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa, New Zealand[10]

The He Puapua report advocates a transformative shift in Aotearoa's constitutional framework, centred on Te Tiriti o Waitangi and the UN Declaration on the Rights of Indigenous Peoples. It envisions a thriving nation where Māori exercise full authority over their lands, waters, and natural resources, empowering them as kaitiaki (guardians) to implement Indigenous solutions.

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[9] Matike Mai Aotearoa. (2016). He Whakaaro Here Whakaumu mō Aotearoa.
[10] Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa New Zealand. (2019). He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa New Zealand.

Central to He Puapua is the prioritisation of Papatūānuku (Earth Mother), aiming to uphold her role as caretaker of all living things. The report's vision for 2040 is to achieve rangatiratanga Māori, fostering a harmonious relationship between Māori and the Crown, collaboratively working towards the wellbeing of people, the environment, and the natural world.

The report outlines a framework across five thematic areas, cautioning against prioritising one over others, and recommends establishing a high-level co-governance body with equal government and Māori representation. This body will oversee engagement, develop the Declaration plan, and ensure accountability.

He Puapua recognises tikanga Māori as a capable legal system needing support and adaptation to meet human rights obligations. Drawing on examples from Indigenous self-determination in Canada, the USA, Greenland, and the Saami parliaments, it suggests New Zealand could learn from these models.

The report identifies New Zealand's current constitutional structure as the primary impediment to rangatiratanga and calls for substantial resources to build a new power-sharing structure. It emphasises public education on Te Tiriti, tikanga, and the Declaration and proposes joint management of natural resources and restoring traditional place names.

He Puapua stresses Māori control, access, and management of lands and resources within their rohe to address historical injustices, recommending the return of lands and resources to Māori and supporting conservation efforts. These key messages outline He Puapua's vision for Māori self-determination and a symbiotic partnership with the Crown, aiming for significant constitutional transformation by 2040.

Te Mana, Te Kāwanatanga: Mana Motuhake – Autonomy, Governance and Nationhood[11]

Written in 1998, Durie examines contemporary Māori development and Māori aspirations for greater autonomy. The book primarily focuses on the relationship between Māori and the Crown, analysing it through legislation, court cases, tribunal hearings, and direct negotiations.

In the chapter 'Mana Motuhake, ' Durie emphasises the necessity of self-governance at both local and national levels, which requires an organisational structure that integrates customary Māori practices with the application of democratic principles. Addressing the challenges of tomorrow will demand a diverse array of skills and wisdom, many of which will be derived from other cultures and nations. It is crucial to draw on past experiences, both good and bad, to reconstruct a pathway for future generations. This approach ensures that self-governance is not only rooted in traditional Māori values but also enriched by

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[11] Durie, M. (1998). Te Mana, Te Kāwanatanga: The Politics of Māori Self-Determination. Oxford University Press. p218

global knowledge and practices, fostering a resilient and inclusive framework for the future.

Traditional knowledge and water governance: the ethic of responsibility[12]

This paper draws on 15 years of traditional knowledge policy research with First Nations in Ontario, presenting an alternative narrative to the dominant discourse on water quality. While Canadian governments focus on scientific and technological solutions, First Nations emphasise the recognition of Aboriginal and treaty rights related to water. Elders and traditional knowledge holders advocate for a holistic water governance approach, fulfilling inherent responsibilities to protect water. The paper contrasts key elements of traditional knowledge with Canadian government responses and calls for a nation-to-nation approach for future progress.

Australian Indigenous Governance Institute – What is effective Indigenous governance[13]

In governance, the interaction of diverse cultures often presents challenges. Different groups may try to impose their ideas of 'good' governance on others, leading to friction. Governance can be viewed through two lenses: 'effective governance' and 'legitimate governance'.

Effective governance focuses on establishing rules, structures, and processes to achieve specific objectives, emphasising efficiency and tangible outcomes. Legitimate governance, however, is about being credible and worthy in the eyes of members, aligning with their views on authority and power, and adhering to accepted norms and principles.

Governance is dynamic and constantly evolving. Embracing this evolution involves learning from mistakes and failures and recognising them as part of the improvement process. Our research aims to contribute to this evolution by aligning governance structures with Indigenous values and rights, especially those guaranteed to Māori, to create a framework that respects diversity and promotes equity and inclusivity.

According to the Australian Indigenous Governance Institute, Indigenous governance is based on four principles: being customised, culturally legitimate, accountable in both directions, and evolving.

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[12] McGregor, D. (2014). Traditional knowledge and water governance: The ethic of responsibility. *AlterNative: An International Journal of Indigenous Peoples, 10*(5), 493-507.
[13] Australian Indigenous Governance Institute. (n.d.). Effective Indigenous Governance. https://aigi.org.au/toolkit/effective-indigenous-governance

Principles of Effective Indigenous Governance

Customised

Effective and legitimate governance must be tailored to fit the specific purpose environment, and resources of your community. This means designing a governance model that aligns with your unique context.

To be meaningful, the components of governance should reflect your own relationships, networks, values, and behaviours. Simply importing unfamiliar governance models into communities will not result in effective functioning. The most effective governance arises when you leverage your knowledge of the local context to design your governance model.

Culturally legitimate

Cultural legitimacy is a crucial aspect of a group's overall legitimacy. It involves ensuring that governance arrangements embody and reinforce contemporary values and ideas about decision-making, the organisation of authority, and leadership practices. For governance arrangements to be culturally legitimate, they must have rules, structures, and processes informed by an understanding of the group's cultural traditions, laws, and processes. They should embody the values and norms important to the community and reflect contemporary ideas about how power and authority should be shared and implemented. Moreover, these governance elements should be generated through the community's own efforts, ensuring they have the support of the people being governed.

Two-way accountability

Aboriginal and Torres Strait Islander people in Australia face the challenge of balancing cultural and external accountability in their work. Effective governance requires integrating Indigenous and non-Indigenous practices to meet the demands of both systems. This approach, known as two-way governance, involves maintaining cultural integrity while ensuring governance models satisfy external requirements. Many communities and organisations are developing innovative, robust arrangements to navigate these dual demands.

Evolving

Governance is constantly evolving. Your governance model adapts over time to align with changes in your members' priorities and preferred methods. Similarly, if there are changes in the wider environment, your governance must also evolve. Governance is never static in any group. Building governance is a journey, and the path ahead and the destination can shift over time.

Overcoming Indigenous Disadvantage – Key Indicators 2020[14]

The Overcoming Indigenous Disadvantage Report Steering Committee identified six interdependent elements of good governance. No single factor alone can ensure effective governance; rather, all components are essential for achieving sustained success. These include:

- Establishing governing institutions that instil confidence and garner support, which depends on how governance structures are set up and leaders are chosen
- Leadership that entails guiding group members towards the achievement of group or organisational objectives
- Processes being in place to ensure self-determination, allowing group members to determine their own priorities and design their own governance instruments within broad governing institutions
- Meeting capacity requirements is essential, meaning that having the necessary capabilities, such as knowledge and skills, to accomplish important tasks often requires capacity building
- Cultural alignment between the desired governing structures and the communities' cultures – respecting cultural differences and working towards common ground governance structures

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[14] Steering Committee for the Review of Government Service Provision. (2020). Overcoming Indigenous Disadvantage: Key Indicators 2020. Canberra: Productivity Commission. https://www.pc.gov.au/ongoing/overcoming-indigenous-disadvantage/2020/report-documents/oid-2020-overcoming-indigenous-disadvantage-key-indicators-2020-report.pdf

- Ensuring the necessary resources, including economic, cultural, social, and natural resources, are available to achieve what matters.

Coming Full Circle: Indigenous Knowledge, Environment, and Our Future[15]

Traditional Ecological Knowledge (TEK) has gained recognition over the past two decades as broader society acknowledges the sustainable environmental practices developed by Indigenous people worldwide. David Suzuki, a prominent environmental scientist, supports this view, highlighting the relevance of Indigenous knowledge in addressing global ecological crises. The international community also recognised the value of TEK in sustainable development, as noted in the 1987 Brundtland Report and the 1992 Convention on Biodiversity (CBD), which emphasised the role of Indigenous knowledge in environmental management.

In response, Canada has incorporated TEK into environmental decision-making processes, especially in northern regions where it influences public policy. Despite being a relatively recent field of study, the practice of TEK in Indigenous communities dates back thousands of years.

The current state of TEK practice in Canada varies depending on perspectives. This reflection paper explores the relationship between Indigenous Knowledge (IK) and TEK, examining their conception and application. There is a dichotomy in TEK: the Indigenous view reflects deep-rooted relationships with Creation, while the Eurocentric view often carries colonial attitudes.

Understanding TEK requires starting with Indigenous perspectives and Creation stories, which offer insights into long-standing philosophies and values. This approach contrasts with the newcomers' interpretations and helps explain the evolution of the TEK field.

Engaging Indigenous Peoples in Governance Processes: International Legal and Policy Frameworks for Engagement[16]

This paper discusses international and legal policy frameworks that advocate for the full and effective participation of Indigenous peoples in matters concerning them, guided by Human Rights Based Approach (HRBA) principles. One key framework is the principle of Free, Prior, and Informed Consent (FPIC), which is essential for ensuring Indigenous peoples' consent on legislative or administrative

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[15] McGregor, D. (2004). Coming full circle: Indigenous knowledge, environment, and our future. American Indian Quarterly, 28(3/4), 385-410. https://muse.jhu.edu/article/181500

[16] Secretariat of the UN Permanent Forum on Indigenous Issues. (2005). Engaging Indigenous Peoples in Governance Processes: International Legal and Policy Frameworks for Engagement. Presented at the International Conference on Engaging Communities.

measures, policies, and programmes that affect them. Annex 1 of the paper summarises FPIC's essential elements and the main areas where it is required.

The recommendations of the UN Permanent Forum on Indigenous Issues emphasise that Indigenous communities should participate using their own systems of representation rather than externally determined models. It also stresses Indigenous control over natural resource use. Similarly, the UN Development Program (UNDP) policy of engagement aims to foster an environment that promotes Indigenous participation at all decision-making levels in UNDP projects.

Additionally, case studies from the International Fund for Agricultural Development (IFAD) projects demonstrate how enhancing Indigenous governance and capacity, particularly in natural resource management, can be achieved. These frameworks collectively aim to ensure that Indigenous peoples have significant roles and control over decisions impacting their lives and resources.

Anticipatory Governance

Indigenous Futures - Reimagining Development in Asia and the Pacific Foresight Brief August 2022[17]

This foresight brief examines how future development paradigms can learn from and be influenced by Indigenous concepts of sustainable development. It is important to genuinely involve Indigenous people in local development rather than merely using Indigenous concepts superficially. This involvement helps avoid repeating past mistakes, especially as climate change intensifies. Creating and supporting local, Indigenous-led groups from the planning stages through to implementation, including with funding and management, is essential. Centralising Indigenous leadership in these processes is key to achieving successful and sustainable outcomes.

Additionally, it is crucial to recognise that unexpected developments or outcomes are not failures but integral parts of growth and community-building. Breakdowns, stalls, or crises are necessary for the next stages of development and should be viewed as valuable learning opportunities rather than setbacks. These moments are vital to the overall metrics and outcomes, emphasising the importance of adaptability and resilience. By framing these Indigenous futures-oriented processes as central and measurable, we ensure there is room for continuous testing and assessment, always from a place-based and past-as-future perspective.

When Indigenous governance protocols are centred, inclusive spaces are created where everyone has a role. However, the individuals at the centre of decision-

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[17] UNDP Regional Bureau for Asia and Pacific. (2022, August). Indigenous Futures: Reimagining Development in Asia and the Pacific Foresight Brief. Strategic Foresight Network.

making will vary depending on the location and community involved. It is vital that development and community project protocols are not dictated by external sources, even those referencing Indigenous knowledge, without centring Indigenous experiences, knowledge, and reciprocity.

Indigenous futures are grounded in the understanding that many ways of being have ended and been remade throughout history. Indigenous communities remind us that the current global crises, whether termed the Anthropocene, Chthulucene, or pre-apocalypse, are not the first nor the only significant challenges humanity has faced. Framing current events as unprecedented erases Indigenous histories and centres mainstream perspectives as the sole narrative. Instead, it is crucial to recognise and centre Indigenous ways, listen to Indigenous voices, and actively join in their processes.

By incorporating these principles into future marine governance, we can ensure a more inclusive, resilient, and sustainable approach that honours and integrates Indigenous knowledge and leadership.

Exploring Plausible Futures for Aquaculture and Fisheries in NZ – Climate-Related Risk Scenarios for the 2050s[18]

This report, developed by KPMG with The Aotearoa Circle and various stakeholders, presents climate-related risk scenarios to support strategic decision-making for the sustainable use of New Zealand's ocean resources and to reduce costs and barriers to effective climate-related risk management in the marine fisheries and aquaculture sector.

Two scenarios, 'Māko' and 'Kahawai', were created to explore climate-related risks. The 'Māko' scenario envisions a 2050 world facing rapid environmental changes with significant climate disruption due to the failure to curb emissions, leading to a potential 4°C warming by 2100. In contrast, the 'Kahawai' scenario depicts a 2050 world that successfully implements the Paris Agreement, likely keeping warming below 2°C.

The report concludes that climate-related risks are interdependent and require a strategic response from the government, businesses, and stakeholders. It emphasises that the impacts of climate change on natural and human systems must be considered in the context of other risk factors. Consumer attitudes towards seafood and supply chains may shift rapidly, necessitating credible claims about decarbonisation, sustainability, animal welfare, and equity.

Food security concerns may drive consumers towards dependable suppliers, with New Zealand's marine resources playing a crucial role. The future of marine food provision may include alternatives such as macroalgae, cultured proteins, and multi-

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[18] The Aotearoa Circle. (2020). Exploring Plausible Futures for Aquaculture and Fisheries in NZ: Climate-Related Risk Scenarios for the 2050s.

trophic marine farms. New Zealand's relatively benign climate through 2050 and its marine 'goldilocks zone' may help preserve commercial catch and aquaculture harvests, contingent on careful resource management and good science.

The report stresses the importance of multi-stakeholder collaboration to mitigate climate change impacts, drawing lessons from New Zealand's Covid-19 response. It highlights that the next decade is crucial in determining whether the world will follow the high warming 'Māko' scenario or the strong mitigation 'Kahawai' scenario, with decisive action needed to avoid perilous climate feedbacks and tipping points.

Anticipatory governance – How well is New Zealand Safeguarding the Future? [19]

Anticipatory governance is a forward-looking approach that emphasises understanding and managing long-term risks and opportunities. It involves continuously scanning for potential future issues and opportunities, assessing the long-term impacts of current decisions, and developing rigorous risk management tools and capabilities. This includes conducting regular 'stress tests' to evaluate the robustness of institutional, policy, and regulatory frameworks.

To improve government effectiveness, there's a need for stronger commitment mechanisms that encourage policymakers to consider the long-term implications of their decisions. This involves integrating institutional and procedural elements that focus on long-term concerns within short-term political agendas, such as independent and regular analysis of intergenerational issues.

New Zealand's governance system currently has gaps that require legislative updates to set specific, measurable goals and targets for long-term policy impacts. The executive and legislative branches are encouraged to engage in regular foresight exercises supported by a permanent, high-level foresight unit similar to those in Britain, Canada, or Singapore. Additionally, the government should maintain and regularly update a comprehensive register of systemic risks.

Environmental protection remains a weak area for New Zealand, highlighting the need for stronger institutional representation of environmental interests and significant policy reforms to minimise negative impacts on natural capital. This includes stricter national guidelines for local authorities, enhanced protection for renewable resources, and strategies for decarbonising the economy and preparing for climate change impacts.

Lastly, there is evidence supporting the effectiveness of deliberative mechanisms, multi-stakeholder forums, and collaborative processes in addressing long-term societal challenges. These mechanisms can help expose stakeholders to evidence, foster a shared understanding of policy options, and facilitate durable agreements, thus enabling better long-term governance.

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[19] Boston, J. (2016). Anticipatory governance: How well is New Zealand safeguarding the future? Policy Quarterly, 12(3), 3-12.

Anticipatory governance for newcomers: lessons learned from the UK, the Netherlands, Finland and Korea[20]

In recent efforts to advance anticipatory governance (AG) globally, a newly proposed framework has emerged as a powerful diagnostic tool. Applied to countries such as Finland, the UK, the Netherlands, and Korea, this framework highlights each nation's unique approach to AG, pinpointing where improvements are necessary for achieving successful and sustained foresight-linked AG.

The comparative case analysis reveals that while each country exhibits its own modalities and consequences in AG, there are notable similarities in their implementation strategies. However, a critical factor that differentiates their success is the varying levels of future receptivity among the public and government officials. This receptivity significantly influences the continuity of foresight initiatives and the sustainable operation of AG.

A key insight from this analysis is the importance of building individual capacity to understand and value foresight. This capacity is essential for developing robust foresight-linked AG. Therefore, fostering future receptivity becomes paramount. Governments must prioritise educating and training both the public and officials to enhance future literacy and proficiency. Additionally, an effective process of public participation is crucial, allowing citizens to have a meaningful impact on foresight outcomes.

Contrary to the temporary and organisational modifications suggested by Fuerth and Farber, this article advocates a permanent, long-term approach that centres on people – from the public to top national decision-makers. Foresight and AG, grounded in futures studies, must remain open and flexible for long-term continuity. Sustainable AG cannot rely on transient systems; it requires a continued driving force of human capability and active public participation. A future-oriented mindset, attitude, and knowledge base are essential prerequisites for any systemic upgrades within government structures.

Globally, countries like the UAE, India, Thailand, Russia, and South Africa are making strides to integrate AG into their governance frameworks. Yet, these newcomers face significant challenges. Minimal adjustments to decision-making structures and governance systems will not suffice. Instead, these nations, including Korea, are now expected to lead creatively amid rapid societal changes and future uncertainties. International societies push these countries to adopt forward-looking, future-oriented stances, emphasising the need for their own unique future models. For these emerging leaders, promoting future receptivity is a crucial first step in building their desired futures.

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[20]Heo, K., & Seo, Y. (2021, July 11). Anticipatory governance for newcomers: Lessons learned from the UK, the Netherlands, Finland, and Korea. European Journal of Futures Research. https://eujournalfuturesresearch.springeropen.com/articles/10.1186/s40309-021-00179-y

In summary, the advancement of AG hinges on a long-term, human-centric approach that prioritises education, participation, and future receptivity. By adopting these strategies, countries can foster a sustainable and effective foresight-linked AG, paving the way for more resilient and forward-thinking governance.

Lessons From The Past

Waka Umanga – a Proposed Law for Māori governance entities - Law Commission Report (May 2006)[21]

The Waka Umanga Report represents a significant effort back in the early 2000s to create a legal framework that supported Māori self-governance and effective management of our communal assets. It aimed to empower power Māori communities by providing a governance strcuture that was both legally sound and culturally apporpriate.

The report was motivated by the pursuit of public benefit, emphasising the full participation of Māori in the commercial and social life of the community. Additionally, it aimed to expedite the Treaty claim process, reduce government costs associated with determining tribal representatives, and enhance the durability of Treaty claims by fostering their independent development by Māori themselves. The proposed mechanisms for resolving disputes are anticipated to result in cost-savings for both the government and Māori entities.

The five main proposals discussed in the report are:

1. *A new legal entity*: The unique characteristic of a waka umanga is its recognition of a core responsibility to safeguard the interests of present and future generations of members of that tribe while also accommodating normal commercial dealings. Existing legal structures may struggle to consider traditional tribal structures and balance group and individual interests, necessitating a new approach. The proposal suggested establishing a Registry of Waka Umanga to assist these new entities in linking to the national economy.

2. *Process for forming entities and resolving disputes*: The proposal advocated a more independent formation process for waka umanga outside of a Treaty Settlement context where the Crown makes the rules. It also proposed a mechanism for resolving disputes between the tribe and the Crown, ensuring fair processes and natural justice. This process allows hapū to have a voice within a wider aggregation, accommodating various forms of waka umanga.

3. *Recognition of tribal authorities:* The proposed Act suggested providing statutory recognition to qualifying tribal corporations as legitimate

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[21]New Zealand Law Commission. (2006). Waka Umanga: A Proposed Law for Māori Governance Entities. http://www.nzlii.org/nz/other/nzlc/report/R92/R92.pdf

representatives of their associated tribal groups, known as waka umanga. Settlement negotiations with the Crown would not be obligated to occur with any particular waka umanga, but groups recognised under the proposed Act would have a strong incentive to align with its requirements, simplifying issues related to legitimacy and representation.

4. *Establishing good governance standards*: To safeguard the interests of both the group and individuals benefiting from it, the Law Commission proposed a governance framework for tribes and other groups. This framework could be integrated into the charters of representative entities, ensuring that the management of the waka umanga remains accountable to the tribe.

5. *Provision of ongoing support by way of a Secretariat:* The Law Commission suggested establishing a Secretariat to support waka umanga, aiming to promote and maintain best practices while offering national-level training. Initially funded by the Government, the Secretariat would later be supported by user subscriptions, working closely with existing organisations supporting Māori entities.

Membership: Waka umanga, as proposed, must establish clear criteria for determining their members, typically based on descent from common ancestors. While adhering to government policies and general laws related to human rights and natural justice, tribes should have the flexibility to customise voting systems and access to benefits based on active tribal membership.

Waka Tumaha (General Māori Groups): The proposed waka umanga legislation was designed to address the specific needs of Māori tribes but was also suggested for use by other Māori groups with substantial collectively owned assets, regardless of their location. However, waka tūmaha should not be recognised as the legitimate representatives of the associated community, and the proposals for general-Māori groups are suggested to be applicable to other groups in civil society, indicating broader potential use beyond Māori needs.

Dispute Resolution: The proposed Act outlined a comprehensive dispute resolution mechanism, involving both internal and external processes, with the aim of ensuring fair treatment of members and effective resolution of conflicts.

Intervening or Winding Up a Waka Umanga: The Act addressed circumstances when a waka umanga becomes dysfunctional or insolvent, providing clear procedures for court intervention or wind-up, with a focus on stewardship of collective assets for future generations.

Outcomes sought by the Law Commission for new legislation: The Act aimed to provide an accessible guide for Māori groups to form entities aligned with their traditions and preferences, reduce time and cost for group formation, empower

groups to develop entities through fair processes, promote relationships characterised by democratic representation and transparency, empower entities in stewardship and management of collective resources, and contribute to the durability of Treaty claim settlements.

Māori Councils – early 1900s[22]

In the early 1900s, the Māori Councils Act was a notable milestone in New Zealand's governance, introducing elected, self-governing bodies in rural areas inhabited by Māori communities. Initially numbering 19, these councils were tasked with overseeing the 'health and welfare and moral wellbeing' of the Māori populace. Operating regionally, they enforced locally relevant bylaws, reflecting the diverse tribal clusters of Māori people. Elected village committees, or komiti marae, played a central role in enforcing regulations within smaller communities.

Although framed as a devolution of local government powers, the underlying objective of these councils was perceived as assimilating Māori into a predetermined direction. Despite collaborative efforts between the Crown and the Young Māori Party, the councils were seen as tools of assimilation.

Functioning through regional bodies and village committees, the councils enforced bylaws and regulations, partly funded by fines. Their activities included social control measures like suppressing drinking and gambling, as well as state duties like dog tax collection devolved to Māori communities.

However, some Māori saw these councils more as state agencies than vehicles for autonomy. Model bylaws drafted by the Young Māori Party, focusing on suppressing 'pernicious customs,' raised concerns among Māori observers. The Kingitanga movement rejected the councils, while the Kotahitanga initially resisted but eventually disbanded, merging with the Māori Councils. This weakened the primary unity movement that was seen as a threat to Crown sovereignty.

Scholars suggest these measures aimed to undermine the autonomy of the Kotahitanga Parliament and the Kīngitanga. Despite appearing tribally or marae-based, the councils ultimately remained under government control.

[22] Hill, R. (2004). State Authority, Indigenous Autonomy: Crown-Māori Relations in New Zealand/Aotearoa 1900-1950. Victoria University Press.

The Constellation Governance Model

Listening to the Stars: The Constellation Model of Collaborative Social Change[23]

In 2000, several Canadian NGOs formed the Canadian Partnership for Children's Health and the Environment to address children's environmental health collaboratively. This coalition included childcare agencies, community health groups, women's hospitals, and physicians. They aimed to create a healthy environment for children in Canada through joint efforts despite challenges in setting collective goals and maintaining autonomy.

To meet these challenges, they developed the 'constellation model' of partnering, inspired by complexity theory. This model brings together groups from various sectors to work towards common outcomes, focusing on action. Key activities like public education, service delivery, and research are managed by small, self-organising teams called constellations. These teams drive the partnership's efforts and share leadership among partners.

The constellation model emphasises action and flexibility. Teams form around specific tasks or issues, becoming active when needed and dissolving when their goals are met. This approach balances the interests of different groups, allowing each to pursue its priorities while contributing to the overall mission.

The model also preserves the autonomy of partner organisations, engaging them only in relevant issues.   This dynamic and adaptable partnership structure supports effective collaboration, enabling the group to respond to emerging needs and opportunities while respecting each partner's unique mission.

Open Sourcing Social Change: Inside the Constellation Model[24]

The constellation model is designed to unite multiple groups or sectors to achieve a common goal, focusing on action rather than dialogue. Public education, service delivery, research, and other tangible social change activities are handled by small, self-organising teams called constellations, which are integrated into an overall partnership. This partnership uses a governance and management framework that balances leadership among all participants. The model's goal is not to create a new organisation but to achieve high-impact results quickly.

Key to the model's success are lightweight governance, action-focused teams, and third-party coordination. These elements enable rapid response to new ideas while addressing longer-term issues and preserving organisational autonomy. Partners apply the principle of emergence, listening for new opportunities that

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[23] Surman, T., & Surman, M. (2008). Listening to the stars: The constellation model of collaborative social change. Social Space, 24-29. https://ink.library.smu.edu.sg/lien_research/9

[24] Surman, T., & Surman, M. (2008, September). Open sourcing social change: Inside the constellation model. Technology Innovation Management Review. https://www.timreview.ca/article/183

align with the group's strategic work. The constellation structure allows quick responses to these opportunities and engagement only in relevant activities.

Lightweight governance is initiated by a need or opportunity, described as a magnetic attractor, which determines the priority and scope of work. A stewardship group, or coordinating committee, serves the collective vision and ensures constellations align with the partnership's purpose. This group is responsible for the partnership's overall health and alignment with its objectives.

Action-focused work teams, or constellations, can be formal projects, opportunistic initiatives, or working groups. They focus on practice and members' specific interests while being consistent with the partnership's overall vision. Constellations privilege initiative-takers over position and authority, with leadership and resources shifting among partners as needed.

Third-party coordination involves placing the secretariat function outside core partners, typically with a third-party intermediary organisation. This ensures balanced power dynamics and sustained motivation among partners. The secretariat supports collaboration, planning, fundraising, and capacity building, helping the group achieve its desired outcomes.

Conclusion – Literature review

The literature review conducted reveals the critical importance of establishing a jurisdictional base and means of resolution for fostering a conciliatory democracy. Such mechanisms are fundamental for defining legal boundaries, ensuring consistent law application, and facilitating peaceful dispute resolution. They protect individual and collective rights, promote inclusivity in decision-making, and enhance stability and fairness within democratic institutions. Additionally, they help limit the arbitrary exercise of power, bolster accountability and transparency, and maintain harmony by respecting cultural differences.

The review also highlights the necessity of stronger collaborations across various sectors, particularly between the private sector, civil society, and a well-resourced state, to advance anticipatory governance. A long-term, human-centric approach that prioritises education, participation, and future receptivity is crucial. Capacity building is essential for equipping individuals and organisations with the necessary knowledge and skills to address complex challenges. The political landscape plays a significant role in determining which pathways are supported and legitimised, influencing transformative changes driven by actors with differing objectives and varying degrees of power.

Integrating customary Māori practices with democratic principles is identified as vital for effective self-governance at local and national levels. This integration requires an organisational structure that respects traditional Māori values while enriching them with global knowledge and practices, fostering a resilient and

inclusive governance framework. Indigenous governance principles, such as being customised, culturally legitimate, accountable, and evolving, provide valuable insights for creating structures that honour and integrate Indigenous knowledge and leadership.

The review underscores the importance of recognising Indigenous histories and perspectives to avoid centring mainstream narratives as the sole viewpoint. Incorporating Indigenous ways of knowing and actively listening to Indigenous voices is crucial for ensuring a more inclusive, resilient, and sustainable approach to future governance.

Furthermore, the review emphasises the need for multi-stakeholder collaboration to mitigate climate change impacts and other complex challenges. Effective governance requires commitment mechanisms that encourage policymakers to consider long-term implications, promoting systemic thinking, transparency, inclusion, and subsidiarity. Advancing anticipatory governance hinges on these principles, ensuring proactive and sustainable structures capable of addressing future challenges.

Lastly, the constellation model is praised as a dynamic and adaptable partnership structure that supports effective collaboration. This model facilitates action and flexibility by allowing teams to form around specific tasks and dissolve when goals are met, balancing different groups' interests while preserving organisational autonomy.

In conclusion, the literature review demonstrates that achieving transformative change in governance requires a holistic approach that integrates diverse perspectives and fosters stronger collaborations. By establishing a jurisdictional base and means of resolution, promoting inclusive and participatory decision-making, and embracing flexible partnership models, governance frameworks can be developed that are equitable, resilient, and capable of addressing future complex challenges.

Proposed Criteria for Future Marine Governance Models

Our research and the development of Ngā Pae Moana have laid a crucial foundation for our work on future marine governance models. This journey has involved extensive exploration and analysis, aiming to create a robust framework that integrates Māori perspectives and values into marine governance.

To initiate this process, forward-thinking wānanga was held, which brought together a diverse group of experts. These experts engaged in deep discussions and contemplations about the future of marine governance, examining current trends and signals to prepare for potential developments on the horizon. Their insights were invaluable in shaping our understanding and approach.

The focus areas report provides another platform for the Tangaroa Ararau research. This report examined both the historical and contemporary contexts of Māori customary fishing, Māori commercial fishing, and the implementation of the Marine and Coastal Area (Takutai Moana) Act 2011. By thoroughly examining these areas, we were able to uncover the legacy of historical practices and the impacts of legislative changes. This examination sheds light on the ongoing challenges and opportunities faced by Māori in marine governance.

A significant part of our analysis revolves around understanding the complex interplay of power, rights, and responsibilities that shape current practices. By identifying these dynamics, we can better appreciate the multifaceted nature of marine governance and the various factors that influence it. Additionally, our review of domestic and international governance literature has provided further rigour and depth to our findings, ensuring that our conclusions are well-founded and comprehensive.

The following section of the report delves into the synthesis of the combined insights and analyses of the research so far, highlighting the key components and policy requirements necessary to establish a balanced, inclusive, and sustainable approach to marine governance in Aotearoa.
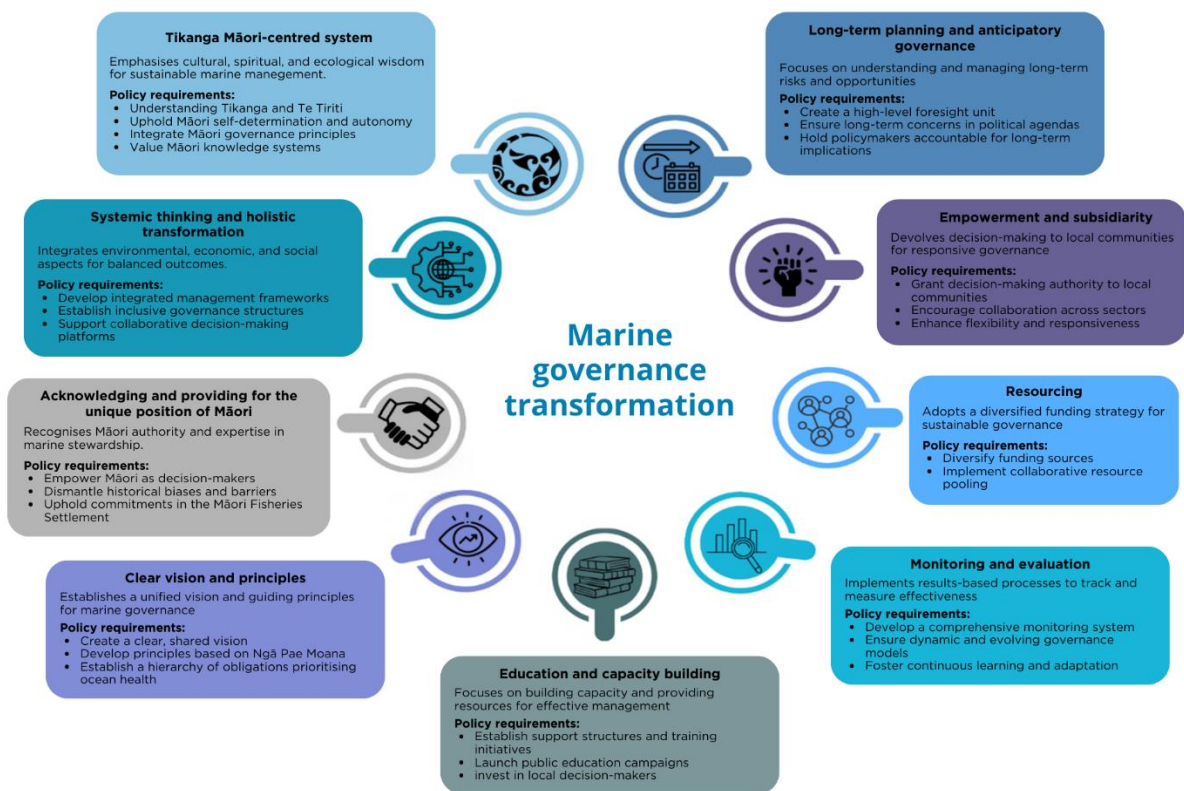
Tikanga Māori-centred system
Emphasises cultural, spiritual, and ecological wisdom for sustainable marine management.
Policy requirements:
- Understanding Tikanga and Te Tiriti
- Uphold Māori self-determination and autonomy
- Integrate Māori governance principles
- Value Māori knowledge systems

Long-term planning and anticipatory governance
Focuses on understanding and managing long-term risks and opportunities
Policy requirements:
- Create a high-level foresight unit
- Ensure long-term concerns in political agendas
- Hold policymakers accountable for long-term implications

Systemic thinking and holistic transformation
Integrates environmental, economic, and social aspects for balanced outcomes.
Policy requirements:
- Develop integrated management frameworks
- Establish inclusive governance structures
- Support collaborative decision-making platforms

Empowerment and subsidiarity
Devolves decision-making to local communities for responsive governance
Policy requirements:
- Grant decision-making authority to local communities
- Encourage collaboration across sectors
- Enhance flexibility and responsiveness

Acknowledging and providing for the unique position of Māori
Recognises Māori authority and expertise in marine stewardship.
Policy requirements:
- Empower Māori as decision-makers
- Dismantle historical biases and barriers
- Uphold commitments in the Māori Fisheries Settlement

Resourcing
Adopts a diversified funding strategy for sustainable governance
Policy requirements:
- Diversify funding sources
- Implement collaborative resource pooling

Marine governance transformation

Clear vision and principles
Establishes a unified vision and guiding principles for marine governance
Policy requirements:
- Create a clear, shared vision
- Develop principles based on Ngā Pae Moana
- Establish a hierarchy of obligations prioritising ocean health

Monitoring and evaluation
Implements results-based processes to track and measure effectiveness
Policy requirements:
- Develop a comprehensive monitoring system
- Ensure dynamic and evolving governance models
- Foster continuous learning and adaptation

Education and capacity building
Focuses on building capacity and providing resources for effective management
Policy requirements:
- Establish support structures and training initiatives
- Launch public education campaigns
- invest in local decision-makers

Figure 1: The nine core components to create a system shift in ocean governance

1. *A transformed system with tikanga Māori at its heart*

Transforming the current marine governance system to place tikanga Māori at its heart is crucial for several reasons. Firstly, tikanga Māori embodies the values, principles, and practices that have been developed and refined over centuries by Māori, offering a rich, integrated framework for managing marine environments sustainably. By embedding these principles at the core of governance, we can ensure that marine management is aligned with the cultural, spiritual, and ecological wisdom of those who have maintained a deeper connection to these environments for generations.

Tikanga Māori emphasises the interconnectedness of all living things and the importance of maintaining balance and harmony within ecosystems. This perspective is invaluable in addressing contemporary environmental challenges, such as overfishing, pollution, and climate change, which require integrated and sustainable approaches. By prioritising tikanga Māori, we can move towards a governance model that respects and nurtures the natural world, ensuring the long-term health and productivity of marine resources.

Additionally, placing tikanga Māori at the heart of marine governance transformation honours Te Tiriti o Waitangi, recognising Māori as equal partners in

decision-making processes. This not only fulfils legal and moral obligations but also promotes justice and equity, ensuring that Māori rights and interests are respected and upheld. By integrating tikanga Māori, we can rectify historical injustices and create a more inclusive governance system that genuinely reflects the diverse values and aspirations of all New Zealanders.

Moreover, this transformation can enhance the resilience and adaptability of marine governance by incorporating a broader range of knowledge systems and perspectives. Mātauranga Māori, or Māori knowledge, offers innovative and place-based solutions that can complement and enrich Western approaches, leading to more effective and context-specific management strategies.

Ultimately, embedding tikanga Māori in marine governance transformation is not just about inclusion; it is about fundamentally rethinking and reshaping governance to be more sustainable, equitable, and reflective of the unique cultural heritage of Aotearoa, New Zealand. This approach ensures that marine governance is not only robust and effective but also culturally grounded and responsive to the needs and values of all communities.[25]

Policy requirements:

1. **A deeper understanding of tikanga and Te Tiriti o Waitangi:** Engage locally with Māori communities to better understand their tikanga and how it is applied in the marine context. A better understanding of Te Tiriti o Waitangi as the founding constitutional document of Aotearoa is also required to ensure there is a clear understanding of the rationale for both the equal involvement of Māori in marine governance and the place of tikanga in our legal framework for governing the marine space.
2. **Uphold Māori self-determination and autonomy** as enshrined in Te Tiriti o Waitangi, recognising the unique position of Māori as signatories to Te Tiriti and the original inhabitants of Aotearoa. Ensure that Māori perspectives, aspirations, and priorities lead the rethinking and restructuring of the marine governance system.
3. **Integrate Māori governance principles of mana and rangatiratanga** into all levels of marine governance and management, ensuring that iwi and hapū can express their inherent connection to the moana through tikanga without external interference.
4. **Recognise and value the contribution of Māori knowledge systems, practices, and protocols** (tikanga Māori and mātauranga Māori) in shaping marine governance in a manner that is unique to, and purpose-built for, Aotearoa New Zealand.

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[25] Future's Thinking Wānanga – The Pivotal Shifts

2.   *Systemic thinking and holistic transformation*

In the rapidly changing landscape of the twenty-first century, traditional governance models face unprecedented challenges, particularly in managing our oceans. Governments can no longer rely solely on existing institutions and practices to address the complex and interconnected marine issues of our time. Environmental disruptions are altering entire planetary systems, and societies are grappling with uncertainty and conflict, making the need for innovative ocean governance approaches more urgent than ever.

Systemic thinking and holistic transformation are crucial in moving towards ocean-centric marine governance models for several reasons. The ocean is a complex, interconnected system where changes in one area can have wide-ranging impacts. Systemic thinking allows us to understand these interconnections and anticipate the consequences of actions, ensuring that governance decisions are made with a comprehensive understanding of the system. Holistic transformation involves integrating different aspects of marine governance, such as environmental protection, economic development, and social equity, ensuring that policies are not implemented in isolation but are harmonised to support sustainable and balanced outcomes.

Holistic and systemic approaches encourage innovative solutions by integrating knowledge from various disciplines and sectors, leading to more creative and effective strategies for managing marine resources. These approaches also incorporate ethical considerations, ensuring that marine governance respects the intrinsic value of marine life and the rights of all stakeholders, including future generations. By adopting systemic thinking and holistic transformation, ocean-centric marine governance models can more effectively address the complexities and challenges of marine environments, leading to more sustainable, equitable, and resilient outcomes.

Policy requirements

1. **Integrated and adaptive management**: Develop and implement integrated management frameworks that incorporate systemic thinking to address the complex and interconnected nature of marine ecosystems. These frameworks should be adaptive, allowing for flexible responses to new information, environmental changes, and emerging challenges. Policies must promote transparency in decision-making processes, ensuring that data and outcomes are openly shared to build trust and facilitate informed participation from all stakeholders.

2. **Inclusive governance structures**: Establish inclusive governance structures that prioritise the important voice of Māori whilst being inclusive of diverse perspectives, civil society, the private sector, and the state. These structures

should be designed to elicit and integrate diverse perspectives and knowledge, particularly those of iwi, hapū and local communities who possess an intimate, place-based understanding of marine environments. By embedding principles of inclusion and subsidiarity, governance can be more responsive to the needs and preferences of local populations, fostering stronger community engagement and ownership of marine management and protection efforts.

3. **Collaborative decision-making and empowerment**: Create and support collaborative decision-making platforms that empower citizens to participate in political, economic, and social processes related to ocean governance. These platforms should ensure that democratic processes are upheld, allowing individuals and communities to influence policies that affect their lives and environments. By fostering human development and building both collective and individual agency, these policies will enhance resilience and social cohesion, promoting sustainable marine resource management and the protection of ocean ecosystems for future generations.

3. *Acknowledging and providing for the unique position of Māori*

In Aotearoa, Māori hold a unique and authoritative position in the governance and management of the ocean. As the first settlers and as signatories of Te Tiriti o Waitangi alongside British representatives, Māori have a distinct role and expertise in the stewardship of marine environments. However, the recognition of this authority has waned over the years due to the Western views that now dominate the country's governance structures. To address this imbalance, it is essential to establish processes that ensure Māori self-determination, granting Māori groups the right and ability to determine their priorities and design their governance instruments within broader governing institutions.[26].

Te ao Māori and tikanga Māori must be seen as active, essential guides in shaping the structure and design choices of the ocean management system across all themes[27]. The calls for the recognition of Māori sovereignty, kaitiaki responsibilities, and tino rangatiratanga highlight the need to move beyond co-governance toward the direct empowerment of iwi and hapū as decision-makers rather than just participants[28]. Māori perspectives, aspirations, and priorities should lead system

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[26] Steering Committee for the Review of Government Service Provision. (2020). Overcoming Indigenous Disadvantage: Key Indicators 2020. Canberra: Productivity Commission. https://www.pc.gov.au/ongoing/overcoming-indigenous-disadvantage/2020/report-documents/oid-2020-overcoming-indigenous-disadvantage-key-indicators-2020-report.pdf

[27] Severinsen, G., Peart, R., & Rollinson, B. (2021, August). The Breaking Wave: A Conversation about Reforming the Oceans Management System in Aotearoa New Zealand Working Paper.

[28] Severinsen, G., Peart, R., & Rollinson, B. (2021, August). The Breaking Wave: A Conversation about Reforming the Oceans Management System in Aotearoa New Zealand Working Paper.

change, acknowledging the intertwined nature of knowledge and action and the openness of Māori models to various forms of expertise.

A critical aspect of this transformation is upholding the commitments made in the Māori Fisheries Settlement. This settlement, which recognises Māori fishing rights and provides a framework for the allocation of commercial fishing assets, must be honoured in any new governance system. Upholding these commitments is essential not only for legal and moral reasons but also to ensure that our relationship with our taonga, or treasures, does not regress in the context of change. This does not mean that transformation should be hindered but rather that it must be built upon a foundation that respects and maintains the gains achieved through the settlement.

Effective marine governance in New Zealand requires addressing the power dynamics between the Crown and Māori communities, dismantling historical biases, and overcoming institutional barriers related to legal arrangements concerning Māori rights. By integrating tikanga Māori and honouring the Māori Fisheries Settlement, we can create a governance system that is not only more equitable and just but also more resilient and sustainable. This approach ensures that the management of marine resources is conducted with respect for cultural values and ecological wisdom, leading to outcomes that benefit all New Zealanders.

Ultimately, placing tikanga Māori at the heart of marine governance transformation acknowledges the unique cultural heritage and expertise of Māori. It ensures that the governance system is culturally grounded, responsive to the needs and values of all communities, and capable of addressing contemporary environmental challenges with innovative, place-based solutions.

Policy requirements

1. **Create structures that empower Māori as decision-makers**, not just participants, in marine governance.

2. **Dismantle historical biases and institutional barriers in legal arrangements** concerning Māori rights, ensuring equitable power dynamics between the Crown and Māori.

3. **Ensure that the commitments made in the Māori Fisheries Settlement are upheld,** noting it is important that the Māori Fisheries Settlement itself is not a barrier to change.

4. Clear vision and principles

Establishing a clear, shared vision is essential to guide priorities, direct change, and inspire both individuals and collectives to place the ocean at the heart of decision-making. This vision serves as a unifying force, aligning efforts and ensuring that all stakeholders are working towards a common future where the health of the ocean is paramount. By committing to this vision, decision-makers can create a cohesive and effective governance framework that respects and prioritises the vital role of the ocean in our lives.

Ngā Pae Moana has been developed with tikanga Māori, driving the creation of its principles. These principles incorporate Māori knowledge and values, providing a culturally grounded and holistic foundation for marine governance. While rooted in tikanga Māori, it is crucial to ensure that the vision and principles are inclusive, representing the aspirations of all of Aotearoa. By integrating these principles, policies can reflect a deep respect for the ocean and its ecosystems, ensuring that governance practices are both inclusive and sustainable.

A hierarchy of obligations should also be established to guide policy priorities effectively. The first priority must be the health and well-being of the ocean and its ecosystems, aligning with the Māori practice of returning the first fish to Tangaroa. This reflects a profound commitment to maintaining the ocean's vitality and resilience. The second priority is to enable communities to sustain their families, recognising the crucial role of the ocean in providing sustenance for the people. The third priority focuses on social, cultural, and economic well-being, ensuring that the broader needs of society are met in a balanced and sustainable manner.

This hierarchy ensures that the most critical needs are addressed first, creating a balanced and sustainable approach to marine resource management. By placing the ocean at the centre of our priorities and decisions, we can foster a future where the ocean's health and humanity's wellbeing are inextricably linked, promoting resilience and sustainability for generations to come. This inclusive vision, driven by the essence of Ngā Pae Moana and grounded in tikanga Māori, ensures that marine governance in Aotearoa is both culturally respectful and universally beneficial.

Policy requirements

1. Establish a clear, shared vision to guide priorities, provide direction for change and inspire individuals and collectives to place the ocean at the heart of decision-making.

2. Establish a clear set of principles that are based on the essence of Ngā Pae Moana principles and are representative of the aspirations of all New Zealanders.

3. Establish a hierarchy of obligations to guide policy priorities. The first priority must be the health and wellbeing of the ocean and its ecosystems, aligning

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with the Māori practice of returning the first fish to Tangaroa. The second priority is to enable communities to sustain their families. The third priority focuses on social, cultural, and economic wellbeing. This hierarchy ensures that the most critical needs are addressed first, creating a balanced and sustainable approach to marine resource management.

5. Long-term planning and anticipatory governance

Anticipatory governance is a forward-looking approach that emphasises understanding and managing long-term risks and opportunities within the marine environment. It involves continuously scanning for potential future issues and opportunities, assessing the long-term impacts of current decisions on marine ecosystems, and developing rigorous risk management tools and capabilities. This includes conducting regular 'stress tests' to evaluate the robustness of institutional, policy, and regulatory frameworks related to marine governance.

To improve the effectiveness of marine governance, there is a need for stronger commitment mechanisms that encourage policymakers to consider the long-term implications of their decisions on the marine environment. This involves integrating institutional and procedural elements that focus on long-term marine concerns within short-term political agendas, such as independent and regular analysis of intergenerational marine issues.

New Zealand's governance system currently has gaps that require legislative updates to set specific, measurable goals and targets for long-term marine policy impacts. The executive and legislative branches are encouraged to engage in regular foresight exercises supported by a permanent, high-level foresight unit similar to those in Britain, Canada, or Singapore.[29]. Additionally, the government should maintain and regularly update a comprehensive register of systemic risks to the marine environment.

Marine environmental protection remains a weak area for New Zealand, highlighting the need for stronger institutional representation of marine interests and significant policy reforms to minimise negative impacts on the marine environment. This includes stricter national guidelines for local authorities, enhanced protection for marine renewable resources, and strategies for decarbonising the marine economy and preparing for climate change impacts on marine ecosystems.

Lastly, the effectiveness of deliberative mechanisms, multi-stakeholder forums, and collaborative processes in addressing long-term marine challenges is crucial. These mechanisms can help expose stakeholders to evidence, foster a shared

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[29] Boston, J. (2016). Anticipatory governance: How well is New Zealand safeguarding the future? Policy Quarterly, 12(3), 3-12.

understanding of policy options, and facilitate durable agreements, thus enabling better long-term marine governance.

Policy requirements

1. Create a permanent, high-level foresight unit dedicated to marine governance. This unit should conduct regular foresight exercises and stress tests to assess and prepare for future marine-related risks and opportunities.

2. Develop institutional and procedural elements that ensure long-term marine concerns are integrated into short-term political agendas. This could include mandatory, independent, and regular analyses of intergenerational marine issues and their impacts.

3. Implement mechanisms to hold policymakers accountable for considering the long-term implications of their decisions on marine environments.

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6. Empowerment and subsidiarity

Subsidiarity emphasises the importance of devolving decision-making authority to the appropriate level of governance. By empowering local communities and institutions, subsidiarity enhances responsiveness, efficiency, and accountability in governance. This principle is particularly relevant to ocean management, where the complex and interconnected nature of marine ecosystems demands localised and context-specific solutions.

Decentralised governance structures enable tailored solutions that are better suited to local contexts and priorities, fostering innovation and resilience. 'Local Decisions Made Locally' advocates systems informed by those at place and defers to people at the local level. It recognises and empowers localised solutions driven by intimate, place-based knowledge. By prioritising local decision-making, this principle bridges the gap between governance structures and the diverse needs of communities, fostering a more responsive and adaptive approach to marine management.

Governance based on subsidiarity has the potential to enhance the legitimacy of governing bodies. Local authorities, being physically closer and more connected to the people they serve, are often more effective in addressing community needs and interests. These communities often possess intimate knowledge of their local marine environments, having lived in close connection with the ocean for generations. Their insights and traditional practices are invaluable in developing sustainable management strategies that are ecologically sound and culturally appropriate.

However, designing for subsidiarity presents significant challenges. It requires collaboration among various sectors of society, including indigenous peoples, social organisations, governments, for-profit firms, and civil society. Effective governance systems must incorporate a full range of perspectives to address uncertainties and complexities, thereby expanding participation to a wider array of stakeholders.

By embracing subsidiarity, ocean governance can become more inclusive and democratic, ensuring that all voices, especially those of iwi, hapū and local communities, are heard and respected. This approach not only enhances the legitimacy and effectiveness of governance but also builds stronger, more resilient communities capable of navigating the many challenges of the twenty-first century.

Policy requirements

1. **Empower local communities:** Grant decision-making authority to iwi, hapū and local communities to manage their marine resources. Create legal frameworks that support local autonomy and recognise the value of local knowledge in sustainable management.

2. **Encourage collaboration:** Establish structures for cooperation among iwi, hapū, social organisations, governments, businesses, and civil society. Ensure inclusive dialogue to incorporate diverse perspectives in decision-making and address complex challenges effectively.

3. **Enhance flexibility and responsiveness:** Design policies that allow local authorities to quickly adapt to environmental changes and emerging threats like climate change and pollution. Implement monitoring systems for real-time assessment and swift strategy adjustments to maintain marine ecosystem health and community well-being.

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7.   Resourcing

Effective resourcing of local governance arrangements for ocean management requires a strategic approach that avoids reliance on any single entity, including the government. Such dependency introduces significant risks, including funding uncertainty, conditionality, administrative burdens, and misalignment with local values. To ensure sustainability and resilience, a diversified funding strategy must be adopted, drawing from multiple sources and fostering a mindset where local participants also invest in their own participation, aligning with the principle of self-determination.

Organisations committed to sustainability can provide crucial financial resources through direct funding, partnerships, and sponsorships. Their involvement not only brings in capital but also fosters innovation and efficiency in governance efforts.

This, too, aligns with self-determination as it empowers local entities to make decisions that best fit their unique context and values.

A collaborative funding approach that pools resources from various stakeholders enhances sustainability and resilience. By combining contributions from diverse sources, a robust and diversified funding base is established. This collective effort ensures shared responsibility and a broad support network, making local governance arrangements more resilient to financial and political fluctuations. This approach embodies the essence of self-determination by ensuring that local communities have the autonomy to manage our resources effectively and sustainably.

Whilst this approach should be encouraged, it does not mean that the government has no role in supporting local governance arrangements.   Instead, they should be involved as a partner, like all other stakeholders. This partnership respects the autonomy of local governance while providing additional support and resources, thereby reinforcing the self-determination of local communities in managing their ocean resources.

Policy requirements

1. **Diversified funding strategy:** Adopt a funding approach that draws from multiple sources, including private organisations, non-profits, and community contributions, to avoid reliance on any single entity. This strategy ensures financial stability, reduces risks associated with funding uncertainty and conditionality, and aligns governance efforts with local values.

2. **Collaborative resource pooling:** Implement a collaborative funding model that combines resources from various stakeholders. This approach fosters shared responsibility, broadens the support network, and enhances the sustainability and resilience of local governance arrangements against financial and political fluctuations.

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8. Monitoring and evaluation

Monitoring and evaluation are integral components of effective marine governance, ensuring that the system operates in alignment with its goals and objectives. By implementing results-based processes, governance structures can track progress, measure effectiveness, and make informed decisions to achieve desired outcomes.

It is essential to clearly define objectives and strategies within the governance framework. Knowing what needs to be accomplished and how to achieve it

provides a roadmap for success. By articulating these goals, governance structures empower citizens with the knowledge they need to assess effectiveness and drive meaningful change. This enables people to then see how their vision for the future is being implemented.[30]

Performance evaluation serves as a mechanism for recognising and charting success, as well as identifying areas requiring improvement. By regularly assessing performance, both leadership and citizens can understand what is working well and where adjustments are necessary. Evaluating performance also enables governance bodies to transparently report successes and challenges to the community, fostering accountability and trust.[31]

Ongoing evaluation encourages continued participation in decision-making processes by demonstrating the impact of citizens' input and involvement. It reinforces the notion that governance is a dynamic process that evolves over time to reflect changing priorities, preferences, and external conditions. As governance models adapt to meet the evolving needs of stakeholders, monitoring and evaluation play a vital role in facilitating continual improvement and learning.[32]

In this context, it is essential to recognise that governance is not static; it is a journey characterised by constant evolution. Embracing this concept means being open to change and learning from mistakes along the way. By acknowledging the iterative nature of governance and embracing opportunities for improvement, stakeholders can more effectively navigate the evolving landscape of marine governance.[33]

The monitoring and evaluation criteria align closely with anticipatory governance and should be considered in tandem. Anticipatory governance involves a forward-looking decision-making process that anticipates future challenges and opportunities, enabling proactive rather than reactive strategies. By integrating monitoring and evaluation with anticipatory governance, marine governance structures can better prepare for and adapt to future conditions, ensuring sustainable and resilient outcomes.

Policy requirements

1. Implement results-based processes to track progress, measure effectiveness, and inform decision-making.

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[30] Centre for First Nations Governance. (n.d.). Five Pillars of Effective Governance. https://fngovernance.org/five-pillars-of-effective-governance/
[31] Centre for First Nations Governance. (n.d.). Five Pillars of Effective Governance. https://fngovernance.org/five-pillars-of-effective-governance/
[32] Australian Indigenous Governance Institute. (n.d.). Effective Indigenous Governance. https://aigi.org.au/toolkit/effective-indigenous-governance
[33] Australian Indigenous Governance Institute. (n.d.). Effective Indigenous Governance. https://aigi.org.au/toolkit/effective-indigenous-governance

2. Develop a comprehensive monitoring and evaluation system that regularly assesses performances, identifies areas for improvement, and reports success and challenges transparently to the community.

3. Ensure governance models are dynamic and evolve to reflect changing priorities, preferences, and external conditions.

4. Foster a culture of continuous learning and adaptation, encouraging ongoing evaluation and participation in decision-making processes to facilitate continual improvement and stakeholder engagement.

5. Integrate monitoring and evaluation with anticipatory governance, enabling proactive strategies that anticipate future challenges and opportunities to ensure sustainable and resilient outcomes for our marine environment.

9. *Education and capacity building*

Building capacity and providing resources are essential for effective marine resource management and governance. Establishing support structures and training initiatives empowers local communities and stakeholders, fostering resilience and inclusivity for sustainable marine management.

Public education campaigns should focus on indigenous-led governance, anticipatory governance, and systems change. These campaigns will foster a more informed and proactive public, empowering communities to engage in sustainable and inclusive marine resource management.

Incorporating these concepts into education helps communities understand marine governance's complexities and the importance of proactive, system-wide approaches.

Investing in training and resources for local decision-makers is crucial. This ensures they have the skills and knowledge to effectively address marine governance challenges. By equipping local leaders with the right capabilities, communities can develop and implement tailored solutions that reflect their unique environmental and cultural contexts. This localised expertise is invaluable for fostering sustainable marine practices, as local decision-makers are intimately familiar with their ecosystems and can respond swiftly to emerging threats.

Moreover, empowering local decision-makers enhances community resilience and self-sufficiency. When communities can manage their marine resources, they are better positioned to protect their livelihoods, maintain ecological balance, and preserve cultural heritage. This capability at the local level not only benefits the ocean by promoting healthier and more resilient marine ecosystems but also

strengthens the social and economic fabric of the community. By investing in local governance capacity, we create a foundation for long-term sustainability and prosperity for the ocean and the people who depend on it.

Policy requirements

1. **Capacity building and resource provision:** Establish support structures and training initiatives for local communities and stakeholders. Provide resources, tools, and training to equip local decision-makers with the skills needed for effective marine resource management. This enables communities to create and implement sustainable solutions tailored to their unique environmental and cultural contexts.

2. **Public education campaigns:** Launch campaigns to raise awareness of Indigenous-led governance, anticipatory governance, and systems change. Educate the public to foster a more informed and proactive community, empowering them to engage effectively in sustainable and inclusive marine resource management.

3. **Empowerment of local decision-makers**: Invest in developing local leaders to enhance their ability to tackle marine governance challenges. Equip them with the expertise to respond to emerging threats and manage resources sustainably. Empowered local leaders promote healthier marine ecosystems, community resilience, and cultural preservation, strengthening the social and economic fabric of the community.

Proposed Marine Governance Model for Aotearoa New Zealand

At the outset of this section, it is important to identify that the Model proposed, and the changes required to transition, anticipate that New Zealand will continue to broadly operate within its current constitutional framework in the short-term. We identified, as a research group, that the Model and transition options were therefore not constitutionally transformational at this stage (such as the transformation set out in Matike Mai). However, we also identified that the Model and transition options were not simply tinkering with, or within, the current legislative and policy settings. Significant changes are proposed. These changes are intended to shift the current structural settings within which Marine Governance is exercised in Aotearoa New Zealand, to put Tangaroa and Hinemoana at the heart of any new system and provide more decision-making power for Māori within the new settings. This could provide a platform that is more appropriately grounded in tikanga and aligned with Te Tiriti o Waitangi when any constitutional change happens.

The Model and transition options are very much a first step in the thinking at this stage. They are also focused on marine governance; in that regard, other work completed as a part of the Sustainable Seas project and through other projects, such as the work completed by the Environmental Defence Society with respect to the reform of oceans management system, should also be considered alongside the proposals for a different Marine Governance system. Further discussion will be required particularly as between hapū and iwi. Some options, such as a standalone piece of legislation, also align with work that others have completed in thinking about how our ocean can be better managed. The critical difference with the Tangaroa Ararau research project is that it has been guided by tikanga and Te Tiriti o Waitangi considerations throughout and, as a result, the transition options identified place an emphasis on those components.

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1. Establishing a jurisdictional base

A national framework for marine governance in Aotearoa should clearly define areas of authority and responsibility within marine governance, ensuring that different bodies or institutions have specific roles and powers. This approach will reduce overlap and conflict. Key components include:

- **Tikanga**: Integrate Māori customs and laws (tikanga) as foundational elements. Respect the distinct roles of rangatiratanga (chiefly authority) and

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kāwanatanga (governance), to create a balanced and culturally inclusive governance structure.

- **Defined jurisdictions**: Map out and designate jurisdictions for marine areas, ensuring that responsibilities are allocated to relevant bodies such as local iwi and hapū, regional councils, and national government agencies. This clarity will facilitate coordinated efforts and more effective management.
- **Collaborative governance bodies**: Establish joint governance bodies that include representatives from Māori groups, local communities, government agencies, and other stakeholders. These bodies will ensure that all voices are included in decision-making processes (i.e. the constellation models referred to in the Governance Report).
- **Clear direction, purpose, and principles:** A shared vision is essential for guiding priorities, directing change, and inspiring stakeholders to prioritise the ocean in decision-making. Principles provide the foundational values and guidelines that ensure consistency and integrity. This unified approach empowers collective action for the long-term vitality of our oceans.

2. Means of resolution

Implement mechanisms for resolving disputes and making decisions in a manner that emphasises dialogue, consensus, and reconciliation. This will help build a more harmonious and inclusive marine governance system. Key components include:

- **Mediation and facilitated discussions**: Set up processes for mediation and facilitated discussions to address conflicts. These processes should be designed to encourage open communication and mutual respect, aiming to find common ground and mutually acceptable solutions.
- **Alternative dispute resolution (ADR)**: Develop ADR mechanisms tailored to marine governance. These could include community-based conflict resolution forums, Māori dispute resolution practices, and other culturally appropriate methods.
- **Reconciliation processes**: Create structured reconciliation processes that allow for ongoing dialogue and problem-solving. These processes should be transparent, inclusive, and aim to restore relationships and trust among stakeholders.

3. Supporting collaborative decision-making

Promote a democratic system where decisions are made collaboratively, conflicts are resolved peacefully, and all voices are heard and respected. This can be achieved through:

- **Consensus-building workshops**: Organise workshops and training sessions for stakeholders to learn and practice consensus-building techniques. These workshops should emphasise the importance of inclusivity and respect for diverse perspectives.

- **Institutional support**: Provide institutional support for collaborative governance practices, including funding, capacity-building programs, and access to expert facilitators and mediators.
- **Transparency and inclusivity**: Ensure that all decision-making processes are transparent and inclusive. Regularly publish reports on governance activities, decisions, and outcomes to maintain accountability and trust.

4. Integrating traditional and contemporary practices

Combine traditional Māori governance principles with contemporary practices to create a holistic and effective marine governance framework. This integration will honour cultural heritage while addressing modern challenges.

- **Cultural competence training**: Provide training for all governance participants on Māori cultural principles, values, and practices. This will foster a deeper understanding and respect for Māori perspectives.
- **Inclusive policy development**: Engage Māori leaders and communities in the development of policies and regulations. This collaborative approach will ensure that policies are culturally relevant and widely accepted.

5. Incorporating anticipatory governance

Anticipatory governance is a forward-looking approach that emphasises understanding and managing long-term risks and opportunities within the marine environment. This can be integrated into the framework through the following steps:

- **Foresight activities**: Conduct regular foresight activities, such as scenario planning and horizon scanning, to identify potential future risks and opportunities in the marine environment. This will help in proactive decision-making and policy development.
- **Risk management**: Develop robust risk management strategies that anticipate and mitigate potential threats to the marine environment. These strategies should be adaptive and responsive to emerging trends and uncertainties.
- **Innovation and flexibility**: Encourage innovation and flexibility in governance practices to adapt to changing circumstances and new information. This includes fostering a culture of continuous learning and improvement.
- **Stakeholder engagement**: Engage a wide range of stakeholders, including iwi and hapū, scientists, industry representatives, and the public in anticipatory governance processes. This inclusive approach ensures diverse perspectives and knowledge are considered in decision-making.
- **Long-term planning**: Integrate long-term planning into marine governance, with a focus on sustainability and resilience. This includes setting long-term goals and objectives for marine conservation and resource management.

Transitional Options

To be able to implement the components in the Governance Report, and the Model, will require time, dialogue, and political will. However, to assist the dialogue and to move forward, some first transitional options are proposed below:

New Standalone Oceans Act

Establish a new Oceans Act to provide the legislative framework for implementing an ocean-centred approach (to apply from the seaward side of mean high water springs and include the exclusive economic zone). This Act should include provision for national directions and requirements, embedding a concept that places Tangaroa at the heart of all decision-making. The Act needs to have vision and purpose, principles, a hierarchy of obligations and key components (set out below).

Vision and purpose

The Act's vision and purpose should take an ocean-centred approach, acknowledging the centrality of the ocean in all aspects of marine governance in Aotearoa New Zealand.

Principles

The Act should include a set of national-level principles based on the following:

1. The acknowledgement that the ocean and people are interconnected – from a Te Ao Māori perspective – Mana Atua, Mana Moana, Mana Tangata.
2. The responsibility of reciprocity that comes with this connection.
3. The pivotal role of the ocean in driving prosperity, encompassing community well-being, sustenance, and environmental balance beyond mere economic success.
4. The enablement of self-determination through the devolution of decision-making power at a local level, including affirming the right of iwi and hapū to self-determination.
5. The value and importance of tikanga Māori and mātauranga Māori alongside Western knowledge ensuring equity in decision-making.
6. Local decisions made locally – this principle empowers localised solutions and aims to bridge the gap between governance structures and the diverse needs of communities. By prioritising local decision-making, it fosters a more responsive and adaptive approach to marine management.

Hierarchy of obligations through national direction

The hierarchy of obligations provide guidance to those making decisions that relate to or impact on the ocean. It also ensures that the most critical needs are addressed first, creating a balanced and sustainable approach to marine

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resource management. Like the policy framework – Te Mana o te Wai for freshwater:

1. The first priority goes to the health and well-being of the ocean – this aligns with the Māori practice of the first fish goes back to Tangaroa.
2. The second priority goes to the ability of people to access the ocean for sustenance.
3. The third priority goes to the other types of wellbeing - social, cultural and economic.

Key components

In addition to the vision/purpose, principles, and hierarchy of obligations, a standalone Oceans Act would also include:

1. Clear identification of all legislation that applies to the ocean and appropriate integration / amendment of how those acts apply to the ocean (e.g. the RMA, the Fisheries Act, the Biosecurity Act, the Maritime Transport Act, the Wildlife Act, the Marine Mammals Protection Act, the EEZ Act, the Marine Reserves Act, the Undersea Cables and Pipelines Protection Act and bespoke marine legislation (see below re Treaty of Waitangi settlements and arrangements under the Marine and Coastal Area Act (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).
2. Preservation of existing Treaty of Waitangi settlements (including the Māori Fisheries settlement), arrangements under the Marine and Coastal Area Act (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. Some of these arrangements may appropriately provide for co-governance, or other bespoke arrangements, that assist in giving effect to Te Tiriti o Waitangi over particular geographic areas.
3. Marine spatial planning to implement National Direction.
4. Mandatory environmental limits and outcomes.
5. Legal effect given to tikanga based mechanisms (such as rāhui), if hapū and iwi wish for those tools to have legal effect in their rohe.

The Establishment of Constellation Governance Stakeholder Groups

The establishment of the Constellation Governance Stakeholder Groups should not be initiated by government or cemented into a legislative framework – instead the establishment should be led by the iwi, hapū and the community. If government is to be a stakeholder within the Constellation Governance Stakeholder Group, they will participate as a member of the group – not as the centralised decision-maker.

This partnership uses a governance and management framework that balances leadership among all participants. The goal of the model is not to create a new organisation but to achieve high-impact results quickly.

Key to the success of the model are lightweight governance, action-focused teams, and third-party coordination. These elements enable rapid response to new ideas while addressing longer-term issues and preserving organisational autonomy. Action-focused work teams, or constellations, can be formal projects, opportunistic initiatives, or working groups. They focus on practice and members' specific interests while being consistent with the partnership's overall vision.

To initiate the establishment of a constellation governance model the following is offered as a suggested approach:

- Conduct preliminary research on current marine governance practices, key challenges and successful models from other regions.
- Identify potential stakeholders, iwi, hapū, government agencies, industry, communities – share the constellation governance idea with them.
- Establish a core steering committee, design the governance framework, identify and form constellations, identify third party secretariat.
- Launch pilot constellations to test the model – ensure the pilots cover a range of formal projects, opportunistic initiatives, and working groups.
- Develop and implement monitoring systems to track the progress and performance of each constellation. Collect data on activities, outcomes, and stakeholder engagement to evaluate effectiveness.
- Scale up and institutionalise the model – discuss the successes, lessons learned and best practice from the pilot constellations; share these insights with stakeholder groups to build support and momentum.

The Establishment of an Oceans Commission

The Oceans Act to establish an Oceans Commission. The purpose of the Oceans Commission will be critical and it must not usurp the mana of hapū and iwi at place to engage within the new system. The Commission is not a representative body but rather an oversight body that operates at a national level.

The components of the Commission could include:

- A Commission Board: Comprising representatives from government, iwi/hapū, ocean industries, environmental organisations, and other key stakeholders.
- A Foresight Unit: A dedicated team focused on long-term planning, scenario analysis, and risk management.
- A Monitoring Unit: To monitor the implementation of the National direction.

- Partnership and Funding Division: A unit responsible for fostering public-private partnerships, securing international funding, and managing financial resources.
- Research and Innovation Division: A team dedicated to supporting and conducting research, promoting innovative solutions, and integrating traditional and contemporary knowledge systems.
- Third-party secretariat services to the Constellation Stakeholder Groups: The secretariat also supports collaboration, planning, fundraising, and capacity building, helping the group to achieve its desired outcomes.

Conclusion

Transforming the marine governance system requires a multifaceted approach. Change will not be driven by a single factor but rather by numerous elements evolving over time. What will accelerate this transformation is a shift in mindset and the relationship we choose to have, individually and collectively, with the ocean.

This report has chronicled the research journey to identify the critical components necessary for this shift. It has detailed the discussions and kōrero with experts that led to the development of Ngā Pae Moana – Design Principles.[34] Through a futures thinking approach, we have set aside current constraints to envision a future relationship with the ocean, identifying the essential elements that must be present or avoided to achieve this vision. By investigating the weight of the past and the push of the present, we highlighted the importance of recognising and honouring tikanga Māori, acknowledging and addressing power dynamics within Aotearoa, promoting economic diversification and cultural integrity, reforming legal frameworks, and fostering inclusivity, transparency, and fairness in all our actions.

The establishment of ocean-centric governance structures will be essential in facilitating the transition towards implementation of the governance model components discussed in this report. New stand-alone legislation can utilise existing tools to put Tangaroa at the heart of decision-making, providing both direction and oversight. Locally led, action-focused teams operating within the constellation governance model can achieve high-impact results, quickly. It is important to recognise that the suggestions made in this report will operate effectively within the current constitutional context but are not, in and of themselves, constitutionally transformational.

 In summary, the essential components for systemic change include aligning the system with a tikanga Māori approach and recognising the rights guaranteed under Te Tiriti o Waitangi. This involves embedding Māori principles and values into governance models to ensure these rights and responsibilities are fully respected and integrated. Additionally, policy changes must be implemented at both central and local levels through coordinated efforts across all levels of government, ensuring new policies promote sustainable practices and address both local and national concerns. Finally, a focus on future planning and adaptability is crucial, emphasising a forward-thinking approach that prepares for future challenges and opportunities while encouraging innovation and flexibility in governance practices.

Each component provides insights and ideas on how change can be effectively implemented. By embracing these principles and strategies, we can create a balanced, inclusive, and sustainable approach to marine governance and management in Aotearoa.

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[34] **Ngā Pae Moana design principles**: tatai hono (interconnectedness), tauutuutu (reciprocity), ngahue (sustainability), mana (authority and respect), taurite (equity in knowledge systems), and toipoto (subsidiarity)

The journey towards sustainable marine governance is ongoing, and each of us has a role in driving this change. Whether it's influencing national policy, reclaiming and protecting our local kaimoana spots, modifying commercial fishing practices to minimise the impact on fish stocks, or developing training and resources to enhance our decision-making, our collective efforts are crucial. We don't need to wait for the government to act – we can make a difference now. Let us commit to this journey and shape a future where our oceans and communities thrive together.

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