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Recent Water Sector Reform in New Zealand

Ali Memon, Ronlyn Duncan, Anne Spicer, and Nick Kirk
Lincoln University

Paper presented at the 2011 NZARES Conference

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Recent water sector reform in NZ

*Ali Memon, Ronlyn Duncan ,Anne
Spicer and Nick Kirk, Lincoln University*

NZARES Conference 26 August,
Nelson

Water Institutions

- Addressing NPSP (non-point source pollution) is Achilles heel of water sustainability in NZ and internationally.
- Why? NPSP a ‘wicked’ environmental problem
- NPSP visible manifestation of deep-seated social malaise in modern societies. Need to address key causes (global to local)
- Key question: how do we design appropriate institutional arrangements for water governance to avoid, remedy or mitigate NPSP in liberal democracies???

Designing institutions for NPSP

- Water institutions in NZ have a shelf life of approx 20 years; changing institutional landscape
- Issue attention cycle
- Recent shift to *collaborative water governance* to address NPSP (in NZ and worldwide).
- NPSP a major objective of current NZ reforms
- How effective is CWG (collaborative water governance) to deal with NPSP?

Recent CWG initiatives in NZ

Regional/local scale:

- Rotorua/BOP lakes
- Waikato River Co-management Authority
- CWMS/ HZMP
- Lake Taupo (?)

National scale:

- National Land and Water Forum
- National Policy Statement for Freshwater Management

Research objective

- Reflect on recent reinvention of water governance institutions and outcomes in Canterbury from 3 perspectives:
 - a. what is happening on the ground and
 - b. from a big picture perspective
 - c. recommendations
- Work in progress

Our Research

- Two pronged approach
 - a. Ethnographic: identify key themes in deliberative processes to develop CWMS, Hurunui and Selwyn ZIPs and outcomes.
 - b. Reflect on Canterbury experience against criteria for designing institutions for collaborative governance in international literature.

Our Research

- Interviewed key informants re: CWMS developed in 2009/10
- Have attended and recorded most HZC, Selwyn ZC and RC meetings; notes; minutes
- Review documentary sources (in progress)
- Intend to interview key HZC and RC informants
- Identify key themes from all of above pertinent to our study and reflect on these

Criteria in international literature for Effective Collaborative Governance

1. A hurting stalemate
2. Inclusiveness
3. A common sense, strategic approach to early problem-solving:
 - Lead agencies adopt a non-confrontational public outreach approach to key stakeholders
 - Adopt a shared 'cost of compliance' approach and be persistent in the search for project funding

continued

- Reduce objective uncertainties in the wicked problem setting
- Exercise pragmatism when choosing problems
 - o Think politically, tread softly
 - o Adopt a discriminate, or prioritized, decision strategy
 - o Build a reputation for success
- Forgo short-term benefits in isolated cases for potential long-term collective gains

4. Credible Commitment

continued

5. Participant norms shared by all
6. Formal binding collective choice rules that govern the collaborative process and its aftermath
7. Collaborative capacity builders

Obstacles to Collaborative Water Governance in Cantb Pre 2000

- Lack of Incentives to co-operate for sustainability's sake
- The lack of strategic allocation priorities
- The information problem: Scientists acting as gladiators.
- Operating in a low trust environment
- Collaborative capacity builders and organizational constraints
- Indigenous peoples and the necessity of inclusion

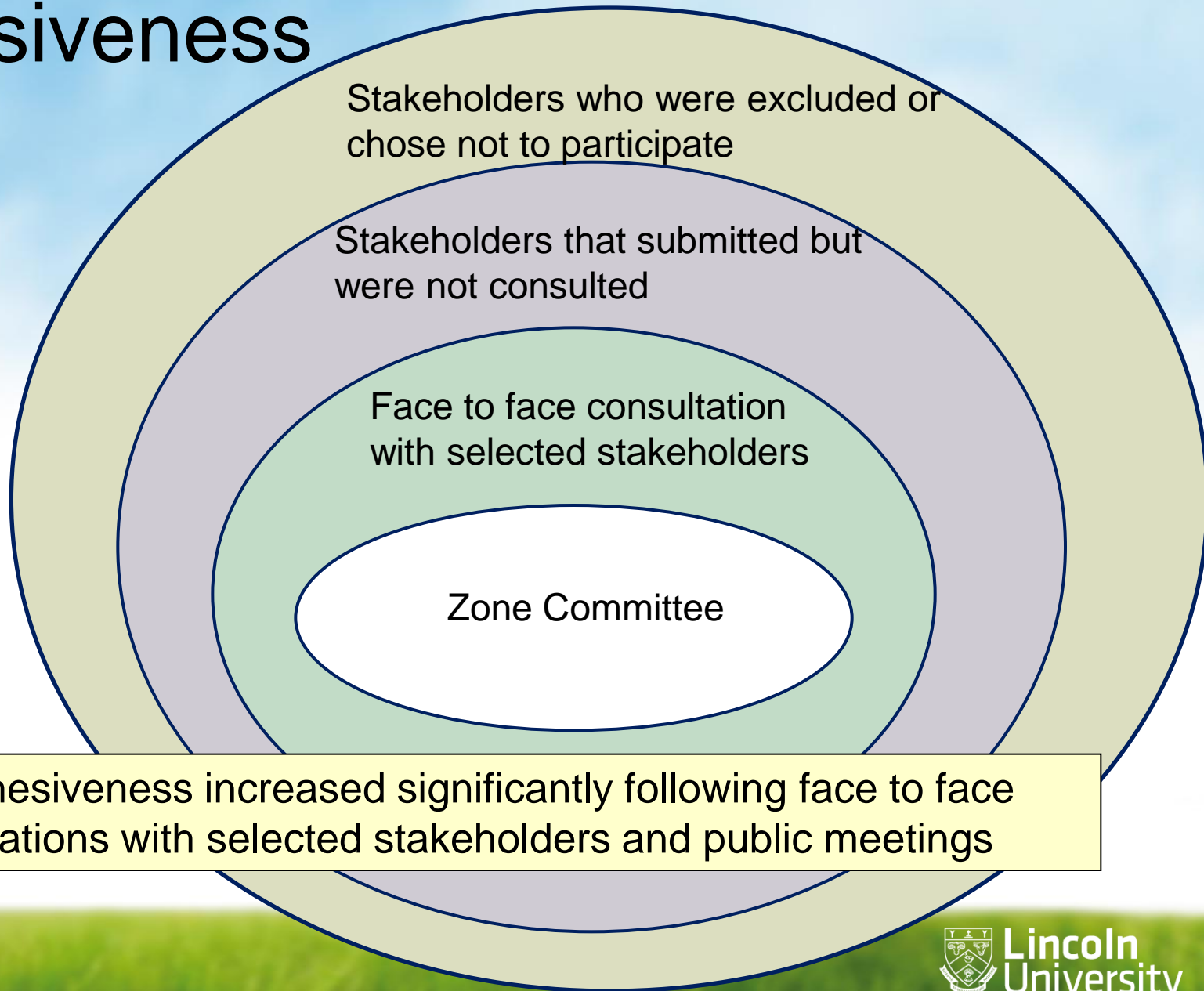
KEY QUESTION

- To what extent have the pre 2000 constraints been addressed in post 2000 water governance institutional reforms in Canterbury and how is this reflected in the outcomes of these reforms so far?

Preliminary Comments on HZIP Process

1. A hurting stalemate: *Hurunui impasse gave incentive to collaborate*
2. Inclusiveness: who gets to sit at the table:
 - a. *Varying degrees of inclusiveness*
 - b. *ZC: DoC absent even though major land owner*
ZC represents spectrum of values
 - c. *Several groups participated by making submissions*
 - d. *Selected groups participated in face to face deliberations with Zone Committee in private meetings*

Inclusiveness map



ZC cohesiveness increased significantly following face to face deliberations with selected stakeholders and public meetings

Spectrum of values on Zone Committee

Prioritise environment (3)

Variable (4)

Prioritise development (4)



3. A common sense, strategic approach to early problem-solving:

- Lead agencies adopt a non-confrontational public outreach approach to key stakeholders. Lead agencies have stood back. *This approach may have helped trust-building.*
- Adopt a shared ‘cost of compliance’ approach and be persistent in the search for project funding. *May be critical to achieve buy-in but yet to be discussed.*

Central government financial contribution?

- Reduce objective uncertainties in the wicked problem setting. *E.g. Contested/incomplete understanding of self-audited planning and the effectiveness of best practices means uncertainties are only partially reduced. Community impacts yet to be assessed.*

4. Credible Commitment. *HZC unable to enforce its recommendations.*

- *Real test of ZIP's success: commitment of ECan, HDC, central government, interest groups, developers, landowners and interest groups to ZIP recommendations?*
- *ECan and HDC will only formally receive ZIP?*
- *Is central government speaking with a forked tongue?*

5. Participant norms: *collaborative norm shared by ZIP participants; reflection of their values as individuals.*

6. Formal binding collective choice rules. *Written agreement not to litigate appropriate?*

7. Collaborative capacity builders. *ECan bent over backwards to facilitate and not to lead . Role of facilitator: honest broker role.*

Relationship issues to begin with. Significant change after the public consultation process in May/June . Several meetings and processing of submissions took place behind closed doors. Did being out of the public eye helped to build trust and solidarity?

Preliminary reflections on CWMS and HZIP outcomes.....

- CWMS/HIP have commodified NPSP?
- Hence, possible now to effectively manage existing/new pollution (*Ecological Modernisation*) provided science uncontested or unavailable
- But have 'orphaned' **legacy pollution** because legally and morally difficult to attribute property rights? (cf Mapua). Bigger issue in Selwyn.
- Primary onus for dealing with legacy pollution now on the wider public and future generations
- Effectively, legacy pollution has been legitimated as the environmental bottom-line

- Prospects for effectively dealing with legacy pollution in NZ debatable. Taupo situation.
- HZIP model highly appropriate for relatively unpolluted lakes with low legacy pollution such as upper Waitaki. But less for lowland polluted lakes such as Te Waihora?
- National policy drivers (see next slide)

Reflections on national collaborative water governance initiatives

- Omissions in the Forum report recommendations?
Toned down
- Is central government speaking with a forked tongue?
Why?
- Repeat of the RMA implementation experience in 1990s? Central gave mixed messages to local govt about intent of the RMA
- Maori issues: repeat of the RMLR dilemma during the 1980s?

To conclude.....

- Key question
- Work in progress
- Marsden research proposal



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