

New Zealand is reviewing its outdated conservation laws. We must find better ways to get people on board

February 10 2022, by Giles Dodson



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Recently, conservation minister Kiritapu Allan described existing legislation as [not fit for purpose](#), and she's right. The government's announcement to [overhaul conservation policy](#) is welcome news.

There are too many outdated, confusing and inconsistent rules. The system they create is out of step with current values and priorities.

The way we use and view the [conservation](#) estate has changed. Different forms of recreation are growing in popularity. Tourism operations have expanded. Community partnerships have flourished. But the potential for conflict has increased, too.

Māori have demanded a greater say, yet there are only [weak provisions](#) for Treaty-based iwi co-governance within existing rules. Key pieces of legislation, such as the [Marine Reserves Act 1971](#), are completely out of date.

The government has emphasized our conservation tools need to be updated in light of developments in science to address threats to biodiversity and challenges such as climate change.

In New Zealand, we often equate conservation with sciences such as ecology, wildlife and marine biology. Science is held to be the method for achieving conservation outcomes: protected animals and habitats, the preservation of special areas and correct levels of public access and usage.

Science has certainly moved on since many of our conservation laws were put in place. But so, too, has our knowledge about how to improve [decision making through public involvement](#).

Communities, stakeholders and tangata whenua now expect a greater role in shaping how conservation gets done. But under our existing rules, public involvement in conservation policy development is limited to "consultation."

Conservation is about people and values

The main issues in conservation aren't animals, plants and places—or biodiversity and environmental stewardship. Conservation is really about people. It is about our [values](#) in relation to natural and historic resources.

One way to get a conservation system that can handle the challenge of different values is to build a greater degree of public participation into the new rules, beyond mere consultation.

Public [participation](#) is a catch-all term for citizens having a say in shaping the development of conservation policy.

So far, this mainly happens either in the form of written submissions or by attending public meetings. The requirement for this form of participation is baked into key laws, including the [Conservation Act 1987](#). That law requires that conservation plans and strategies, which shape how the Department of Conservation ([DOC](#)) works, are publicly notified and the Director-General receives public submissions.

Those who study environmental politics have [criticized](#) this as a [limited](#) kind of public participation.

Such consultation processes are difficult for people to engage with and frequently dominated by special interests. They can result in people having relatively little impact on the process and can be disempowering and frustrating. Stakeholders often take adversarial positions, especially where issues are [complex and uncertain](#).

Dealing with controversy and complexity

Sometimes the science is incomplete or uncertain. In such cases, policy decisions can result in controversy and [reputational damage to DOC](#).

Even where the scientific support for policy is sound, we see conflicts again and again: in [game animal management](#), [endangered species protection](#), the [use of 1080](#) and the expansion of marine reserves. On occasion, the intensity of opposition to DOC policy has threatened to [turn violent](#).

Stakeholders can feel ignored. Local and traditional knowledge can be valued less than science. And expensive litigation can become the last resort for frustrated stakeholders, as happened recently with [tahr management](#) in the South Island.

Indigenous conservation values

Māori, as tāngata whenua, can be strong voices for conservation. They have a special relationship with ancestral lands and waters, taonga species and wāhi tapu in the conservation estate.

But Māori ideas of kaitiakitanga differ from western notions of perpetual protection. Kaitiakitanga is fundamentally about relationships between environments and people, structured around sustainable use.

Locking away resources, being unable to exercise customary rights, or being excluded from decision making can be barriers to [Māori support](#).

The current regime provides only weak mechanisms for Māori to be real partners in the governance of conservation areas. In cases where Māori have secured a greater say in conservation management, it has generally been through [special legislation](#) rather than the conservation framework.

Collaboration with iwi and communities

There are examples of effective conservation collaborations throughout

New Zealand. They tend to be operational. Some have been controversial, including corporate sponsorships and community volunteers taking up the slack left by budget cuts.

But DOC has also demonstrated willingness to take a more collaborative, adaptive and Treaty-based approach.

The [Fiordland Wapiti Foundation](#) is a stand-out example of community-led game management. Other [hunter-led groups](#) have also adopted a collaborative mindset.

In the contested area of marine protection, a multi-stakeholder approach has been [implemented in Otago](#) and the [West Coast](#). However, this process has been criticized as narrowly focused on [biodiversity and economic values](#).

Co-designed projects like [Raukūmara Pae Maunga](#) offer a new model for DOC, iwi and community collaboration.

Where to from here

The upcoming review presents an opportunity to do things differently, but this will require a willingness to continue to experiment with participatory processes and move beyond mere consultation.

[Research](#) suggests effective participation can improve outcomes, if done well, but it's not a panacea for conflict resolution.

Deepening [public participation](#) requires commitment, skills and resourcing. It means DOC investing more in facilitating participatory processes and the public getting involved. Statutory processes will need to be flexible and relevant to communities.

There is no rule book for this, but there are [best practices](#) we can learn from. The new rules must require DOC and its partners to experiment and innovate in engaging the public in decision making.

But the foundation for effective and durable conservation policy is a better understanding of the values people hold and our capacity to engage on difficult issues.

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