

Waterways in Aotearoa New Zealand - A research on water governance

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Over the next year, Response Trust will be doing research on water governance in Aotearoa New Zealand. Here new policies are being introduced to stop the decline of freshwater and our research will contribute to new systems for governance. Fresh water is in a critical state of degradation from the cumulated impacts of intensified dairy farming. The research is on new law for fresh water and on an independent commission. Response is working with Māori organizations on a framework of responsible governance.

Key features of responsible governance include giving pre-eminent value to the health of water ecosystems, provision for Māori in governance, enabling long term planning for the wellbeing of future generations, and that all aspects of water interests are integrated. This includes consideration of how climate change policy links with freshwater governance and management. We welcome information and advice for this work.

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The interface between climate change and water ecosystems is hardly developed in Law and regulation. In Aotearoa New Zealand we are embarking on new bolder law for waterways and for climate change. Although the link between these two is profound, policy for the interface is still to come.

This year Response Trust has been working on a proposal for water governance that links with climate change and the new Zero Carbon Act in Aotearoa New Zealand. We were informed of a proposal led by Māori organizations to introduce a new governance system for fresh water, involving a new statute and establishing an independent commission. These are radical proposals in that a new law would remove water from the commodity framework of resource management, and instead give water prestige as the source of life. Policy would therefore be guided by the primary value of ecosystem health with commercial use subject to this. The new law would also bring Māori into a central role in governance with traditional knowledge as a much stronger reference for information and decision-making.

The New Zealand Law Foundation is supporting our proposal to develop work on a water law and on a waterways commission. The Commission is to be the centrepiece of the research and will involve some of the issues that current policies are not addressing. These include how to remedy the interests of Māori tribal groups in fresh water, given the legacy of the colonial systematic removal of water from traditional systems of governance with Māori being denied access to water resources. The fact that 75% of native fish species are at risk of extinction shows the extent of damage and change. Another challenging topic is how to allocate commercial access to water in the face of over-allocation, and to make provision for fair share of allocation for Māori tribes. The third area is on economic management – how to introduce taxes or payments for pollution and options for the commercial use of water.

Until now in Aotearoa New Zealand, our land use and farming policies have been directed towards intensified dairy production and commercial forestry with devastating impacts on waterways and on emissions. We have had legislation in place for 30 years for sustainable management of resources, but that has not been effective in stopping the degradation of fresh water, nor in reducing emissions.

Our lakes and rivers are in a critical state from nitrate contamination from unrestricted fertilizer use, huge irrigation infrastructure, and sediment. We have new policy in the pipeline to stop further pollution but behind these endeavours lie the same drivers of productivity and economic growth. And linked to economic growth is debt from investment in land conversions and irrigation.

We are at a turning point historically, a turning point in bringing together different sectors associated with water: land use and agriculture, waste systems and climate change. In Aotearoa New Zealand our high greenhouse gas emissions and the contaminated state of our waterways have elicited both protest and research and mounting evidence that policy has been inadequate to reduce emissions and to safeguard the health of waterways. The drivers of economic growth have prevailed and environmental effects have been treated as externalities. The system of separated spheres has allowed economic growth to prevail over protection of environmental ecosystems.

In this context we will bring a guiding framework of responsibility to the research on governance of waterways including for a proposed new law and for a commission. One of the main interests of responsibility is to achieve integration by linking all interests in water, and ensuring all costs and values are internalized. The public good values of water need to be given greater value than private rights and interests, and systems of citizen engagement strengthened. In our context, particular provision for Māori expertise is of central importance. Of particular interest is provision for long term decision-making ... we are seeing the damage from investment for near-term profit, and need to bring futures planning to the provisions of new law and to the mandate of a commission.

When evaluating new policies for water and climate change, the economics we hear draws from the standard framework of growth and measurement. The complex work of identifying risks and the cost of adapting to change is cautiously predicted from science modelling and from standard market economics.

The more innovative economics thinking in which environmental costs are internalized and supply chains accounted for, is generally missing. We see examples of new financial accountability in impact investing and in Benefit Corporations or Purposeful Corporations. These require the directors to consider the impact of their decisions on the environment and society, and shareholders evaluate investments in terms of social, environmental and financial benefit. Shareholder interests are expanded to include public stakeholder interest in company governance that includes a web of relationships between suppliers, customers, employees, and the environment (1).

As we progress with the research we will include this new economics thinking and consider how it is possible to anchor governance in regenerative social and ecological systems. We welcome any of your contributions, references and advice to this work.

Notes:

1. www.triplepundit.com/2012/03/third-party-standards-benefit-corporations/