

New Zealand Oceans Policy: Theoretical Challenges for the Geomatician

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ABSTRACT

The aim of this paper is to provide an introductory analysis of the formation of New Zealand Oceans Policy. This is done within the context of Geomatics by focusing attention on property rights. The work of the US property rights and common pool resource management theorists, Daniel Bromley, and Elinor Ostrom is used as a starting point and analytical tool. The focus, or nexus of property rights is then elaborated with reference to the New Zealand Resource Management Act, and the Australian Oceans Policy. The first returns from the Oceans Policy Secretariat on their public consultation in New Zealand are then examined in the light of the developing critical framework.

Keywords and phrases: Oceans policy, property rights, common pool resource management.

1.0 INTRODUCTION

New Zealand Oceans Policy is about resource management and economic development. It is a political expression evoking familiar categories of political rhetoric regarding our responsibilities to look after things properly. It is an opportunity to reflect publicly on who we are and where we are going. In concrete terms it is about how much tax is paid on a barrel of oil, or whether I might have the opportunity to begin a marine farm. Most importantly perhaps, it is about who decides these questions, and how? Oceans policy wants to somehow rope together all the different parts of our relationship, and society's relationship with the offshore. This will involve reviewing the institutions and organization of marine management, the law, science and arts associated with the sea. Can we hope to get a handle on something so amorphous, so apparently boundless? Where to find a place to burrow in such an all-encompassing, diffuse, many faceted subject?

Surveying or Geomatics has a rightful place in land (or ocean management), and provides the entry we need. Somewhat unwittingly for a profession so focused on measurement and data processing, we discover that the very thing to which we are used to putting boundaries, i.e. property rights, lie at the very heart of oceans policy. Resource management is about, "... the property rights that will prevail over certain natural resources." (Bromley 1988, p16). Bromley provides a careful examination and elaboration of four different kinds of property rights¹, claiming that much confusion in policy comes from a failure to properly understand these legal relations (Bromley 1991, p.20). Property rights are a kind of nexus, a point of decision from which the broad characteristics of the system all flow. This nexus concerns the rules of sharing, which in modern parlance we term *institutions*. Bromley calls these institutions the "real structure that determines how any particular agency will operate and how disputants over incompatible uses of natural resources will reach some solution to their conflict." (Bromley 1988, p.7) Furthermore,

"... Institutions are collective rules which define socially acceptable individual and group behaviour, they are sets of dual expectations. That is, the concept of an institution is one of mutualities, of correlates, of dualities... The ways in which those institutions are promulgated and enforced constitute the legal system of that society. ... But it is a legal system in the broadest interpretation of the term legal." (Bromley 1988, p.34)

¹ State property; private property; common property, and no property. (Bromley 1991, p.31).

Bromley is only one of several important researchers behind a flourishing literature concerning property types, particularly that of common property (Berkes; Feeny; Hannah; McCay, and Ostrom). The direction of research chosen here is to take the work of Bromley and the many others who have taken up the property rights approach to policy, and test whether the insights obtained from an understanding of alternative property rights regimes can be applied in the development of NZ Oceans Policy.²

Having a focus brings a sense of precision and accomplishment, but some larger context is needed if only to provide relief from the technicalities of property rights. Oceans policy development is being accompanied by a big effort in public consultation, and in dissemination of information; we need also to examine this effort, question its ability to gather and reflect the public will. We need to be aware of the moral and political philosophy or lack of it shown by political leaders, and we must try to lay bare the economic and political interests around which people will organize. There is general agreement that today's goal is sustainability. The concept of sustainability is wide enough to fit almost anyone's ideology yet has a physical core relating to environmental ecology that provides a common ground. The view that the environment is a system whose management requires a holistic, systemic approach is now widely accepted. It is this ecological approach that suggests that we must deal with the oceans in an integrated fashion.³

To provide a context, a beginning for the discussion on NZ Oceans Policy, I propose beginning with a review New Zealand's Resource Management Act;⁴ and the Australian Oceans Policy. This review will be accomplished primarily with a focus on the nexus of property rights, while remaining conscious of the background of political, economic and environmental ideology that must surround such a fundamental attempt at governance. This experience will then provide a context for examining the first returns of the public consultation on Oceans Policy.⁵

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² This task of exploring common property arrangements in the context of oceans policy is highlighted as a needful area of research by the Parliamentary Commissioner for the Environment in 'Setting Course for a Sustainable Future', 1999.

³ Like 'sustainability', 'integration' is something of a buzzword. Administrative streamlining is intended, but integration also looks toward honouring social and economic concerns within its processes. In the case of Oceans Policy, integration will require an awareness of the various components of the offshore economy, and an attempt to find common cause in the way which we regulate and manage these.

⁴ The Ministerial Advisory Group on New Zealand Oceans Policy said during its public consultations, that the formulation of NZ Oceans Policy is not necessarily the drafting of a resource management act for the ocean (verbal communication by Dame Kath Tizard at public consultation on Oceans Policy in Dunedin 9th July, 2001), nevertheless the parallel strongly suggests itself.

⁵ *Healthy Sea: Healthy Society*, Summary of consultation undertaken by the Ministerial Advisory Committee on Oceans Policy, 30 September 2001. Available from www.oceans.govt.nz

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