

# Proposal for the Creation of an Oceans Institution

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New Zealand has a strategic opportunity and an ethical responsibility to improve ocean governance. This need has been recognised, as evidenced by Prime Minister John Key's announcement of the Kermadec Ocean Sanctuary; by Hon. Nick Smith's aspirational statement to be a leader in oceans management; and by Hon. Steven Joyce's launch of the Sustainable Seas National Science Challenge. These initiatives, combined with the passing of the new Environmental Reporting Act 2015, and in particular its requirement that a marine domain report is published every six months, are beginning to build the foundations for robust ocean governance.

This think piece suggests that one key building block of robust ocean governance is missing – an oceans institution. This government institution would act as both a chronicler and a steward of ocean policy. It would become the central landing pad for all aspects of ocean policy. It is important to note that we do not envisage this new institution as a decision-making body or one that would undertake scientific research, nor as a lobbyist for special-interest groups. Instead it would focus on chronicling the narrative (sharing data, information and strategic knowledge about our oceans) and stewardship (collating and integrating information to inform all stakeholders and suggest effective and durable public policy making). This would create a space for collaboration and creativity, enabling policy to be developed with stakeholders over time and providing New Zealanders with durable public policy that delivers certainty and trust.

New Zealand is on the right track in that we have already made investments in ocean protection and economic development, but we have more work to do. An oceans institution would be one way to leverage these investments for current and future generations of New Zealanders, supporting and empowering our Pacific neighbours, and co-ordinating and developing global partnerships.

An oceans institution would build on the significant efforts of others, working with the broad range of committed stakeholders to develop an integrated approach to ocean governance. It would

not take over or replace any of the institutions or instruments that are already in existence but would instead be a central institution, connecting the large number of organisations that have an interest in New Zealand's oceans. This alignment between the ocean community and government would be mutually beneficial.

The oceans institution should start small, with space to evolve over time as new needs arise. We envisage that it should be put in place early next year. The work programme from the Sustainable Seas National Science Challenge is likely to help form and inform the oceans institution in the long term, but we cannot wait five or ten years. We need to start building a shared institutional memory now.

Stakeholders as referred to in this think piece include democratic representatives (e.g. parliamentarians and councillors), governance agencies (e.g. departments and councils, particularly those with national maritime security interests), research organisations (e.g. universities and CRIs), commercial bodies (e.g. corporates and industry groups), Treaty partners (i.e. Crown and iwi), conservation groups (e.g. NGOs and lobby groups), the broader public, and international interest groups (e.g. our Pacific neighbours).

## THE OCEANS INSTITUTION WOULD FULFIL TWO PRIMARY ROLES:

1. **Chronicler – providing a credible, reliable and independent source for a wide range of data, information and strategic knowledge, connecting those interested in exploring and shaping oceans policy with those making public policy decisions.**
  - Mapping all relevant data and information and maintaining a list of all key institutions, instruments, legislation and stakeholders.
  - Bringing together all stakeholder perspectives and decision-makers for constructive discussions in order to develop a shared understanding of the values, goals, past lessons, current and emerging issues and areas of potential conflict. This means ensuring that all voices are heard.
  - Building an oceans constituency and community. We need to use every skill and resource we have available given the small size of our country and the large size of our ocean space.

- Become a public repository for work undertaken in the public interest. Currently there is a great deal of uncertainty over which research is owned by the public.

## 2. Steward – promoting the efficient and effective management of New Zealand’s oceans in support of the work of our Pacific neighbours and of other similar organisations internationally.

- Apply a principles-based, ecologically sound and sustainable approach to the guardianship of a healthy and productive ocean.
- Identify current and emerging issues so that considered, reflective and proactive policy can be developed before private parties significantly invest – ideally before or at least alongside economic demand, technological advancements and environmental change.
- Inform and engage with stakeholders and the general public on emerging challenges and opportunities.
- Strengthen international relationships, showcasing an open and inclusive approach to ocean governance.
- Attract and coordinate national and international conferences on ocean management such as the Our Ocean Conference.
- Provide evidence-based policy advice to government and the general public.
- Engage young people in complex long-term policy – for example supporting an initiative similar to the New Zealand Antarctic Youth Council.

There is currently no ministry for oceans, no minister for oceans, no office of the prime minister’s ocean advisory committee and no parliamentary commissioner for oceans, but over time one or even a combination of these institutions is likely to be established. An oceans institution, as proposed in this think piece, would be a cost-effective, intermediate step in stabilising and building a framework for New Zealand’s evolving ocean governance. It would also enable these other institutions and initiatives to be added to the framework in the future as needed.

Our ocean environment provides multiple social, environmental and economic benefits, yet it faces threats from human activities and a changing climate. The creation of an oceans institution would be a practical way to bring people together to work towards the management of oceans for the good of all New Zealanders and the environment. This proposal could become part of the review of the upcoming marine protection legislation. This will ensure we develop a framework that will enable New Zealand to become ‘a leader in oceans management’.

To assist in understanding the context of this think piece, we have included some frequently asked questions, further background information and a timeline of key events and legislation.

## FREQUENTLY ASKED QUESTIONS

### 1. What problem would the institution solve?

Public policy problems tend to arise due to a framework failure. Policy frameworks are made up of a combination of institutions, instruments and information. At present, we have many effective institutions that are operating in this space, but no one independent institution that brings research and policy together to explore common ground, record lessons learnt, describe existing conflicts and identify emerging issues in a considered manner. Government organisations such as DOC, MfE, MBIE, MPI, NIWA, NZDF, OPMCSA and PCE each look after certain aspects of ocean management, and would therefore benefit from having one central institution working to ensure a stable and informed oceans community.

There is no central landing pad for all ocean policy problems or indeed a place for opportunities and risks to be identified and acted upon. This means that trade-offs in ocean policy are being made around the Cabinet table under urgency instead of being thoroughly considered from early on in the process by a diverse range of stakeholders, researchers and policy analysts. An oceans institution would solve a policy gap for Cabinet by developing an integrated, informed, durable, trusted, collaborative, evidence-based approach to ocean management.

Unlike the Parliamentary Commissioner for the Environment, who looks at issues through an environmental lens,<sup>1</sup> the oceans institution would look at all issues relating to the whole marine domain: commercial, cultural, environmental, zoological, security-related and social. That will be its major strength – creating a space for a comprehensive and robust discussion about the use and protection of marine space, which is one of New Zealand’s major public assets.

### 2. What would the institution not do?

An oceans institution would not do any of the following:

- undertake its own scientific research (although it would make suggestions about research needs and priorities);
- accept any funds or services that would compromise its independence; or
- operate as a decision-making body or policy maker – it would only make suggestions.

### 3. What would it be called?

There has been a lot of discussion about this. Strong contenders have been the Pacific and Southern Oceans Institute; Pacific and Southern Oceans Office; Oceans Governance Council; Office of Oceans Management, Oceans Policy Centre or the Oceans Stewardship Institute. Of course, it should also have a Māori name that recognises the importance of oceans for Māori.

### 4. How much would it cost and how would it be funded?

Given the wide array of organisations and the size and importance of New Zealand’s oceans, we consider that the size and cost of the oceans institution would be similar to that of OPMCSA (at a minimum). This is estimated to be \$500,000 pa. The institution would be funded by the Government.

### 5. Where would it be located?

Although there are many options, the most important is that the institution is a demonstrably independent intermediary of ocean management. Its physical location could be in the NZDF or a university. NZDF would be an interesting choice in that it would strengthen the relationship between those policing the oceans and those using the oceans. Furthermore, NZDF already has strong international ties and may therefore be able to support this institution in the area of oceans management in terms of identifying and emulating good practices.

### 6. What principles might guide the operation of an oceans institution?

- Collaborating with a diverse range of national stakeholders
  - Take a multidisciplinary approach, accessing expertise and knowledge from a range of fields.
  - Promote a cross-sector approach towards oceans management within government.
  - Be guided by the principle of kaitiakitanga.
  - Speak in language that is accessible for the public.

## BACKGROUND

This think piece forms part of the McGuinness Institute's *Project One Ocean*, which explores how New Zealand might best manage its oceans. The Institute has been working on this project since 2012.

In March 2015 the McGuinness Institute released *Report 10: One Ocean: Principles for the stewardship of a healthy and productive ocean*. This report explores the seascape of New Zealand in the past, the present and the future. It identifies the need for change in the way New Zealand governs its ocean space and the upcoming opportunities and challenges involved.

More specifically, *Report 10* articulates why sound public policy for ocean management is difficult to develop at present: the current framework lacks the vision, the principles and the place for experts, citizens and commercial interests to come together. Instead, trade-offs occur around the Cabinet table, leaving busy people to grapple with difficult and complex issues urgently and often without guidance. We believe future New Zealanders (and their Pacific neighbours) deserve a more considered, creative and durable approach to ocean management. This report was shared with iwi throughout the country.

On Tuesday, 16 June 2015, the McGuinness Institute hosted a round-table discussion regarding the creation of an institution. As a result, a draft discussion paper was developed and made available to stakeholders. Feedback for that paper was collated and discussed at a meeting on 15 October 2015. This think piece is the result of the consultation process.

### End Notes

<sup>1</sup> The functions of the PCE are drawn from the Environment Act 1986 (s 16), and the Commissioner has wide discretion to exercise them. They include:

- Review the system of agencies and processes set up by the Government to manage the country's resources, and report to the House of Representatives
- Investigate the effectiveness of environmental planning and management by public authorities, and advise them on remedial action
- Investigate any matter where the environment may be or has been adversely affected, advise on preventative measures or remedial action, and report to the House
- Report, on a request from the House or any select committee, on any petition, Bill, or any other matter which may have a significant effect on the environment
- Inquire, on the direction of the House, into any matter that has had or may have a substantial and damaging effect on the environment
- Undertake and encourage the collection and dissemination of information about the environment
- Encourage preventive measures and remedial actions to protect the environment.<sup>1</sup>

See <http://www.pce.parliament.nz/about-us/functions-powers>

### Acknowledgement of Contributors

The people who have been involved in developing this discussion paper have a diverse range of backgrounds and interests; the unifying feature of this group is the shared belief that New Zealand must put in place an effective and durable framework to manage our oceans going forward.

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- Create innovative and engaging mechanisms that inform New Zealanders and increase public interest in our oceans, for example by using virtual tools, and ensuring that these are easily accessible for the public.
  - Encourage a more holistic view of our marine environment.
  - Engage meaningfully with Māori, Pasifika and Asian communities.
- (b) Encouraging activity from national and international investors and researchers
- Establish a strong reputation locally, nationally and globally and encourage wide-ranging views.
  - Deliver high-quality, relevant work from the outset, as the credibility of the institution will be determined by its initial achievements.
  - Learn from how things are being done internationally and locally.
  - Establish more effective channels for communication and stronger relationships between public servants and oceans researchers.
  - Create more certainty in this policy area for all stakeholders.
  - Promote New Zealand universities and CRIs that are already contributing world-class research in various areas of oceans studies.
  - Build the mana of New Zealand and enhance our international reputation.
- (c) Challenging the perceived dichotomy between the environment and the economy and providing for sustainable development
- Promote sustainable economic development – development that can be maintained in the long term without compromising New Zealand's marine environment.
  - Provide rigorous evidence-based policy advice to enable this sustainable economic development.
- (d) Maintaining independence and promoting transparency
- Be government-funded in order to prevent financial sources from dictating the institution's direction.
  - Ensure a code of ethics is introduced as part of the institution's establishment.
  - Make plans according to a realistic budget (the institution will not conduct scientific research, so there is no need for a significant investment).
  - Be open-minded and inclusive.
  - Avoid becoming a partisan lobby group.

## 7. Who would be involved?

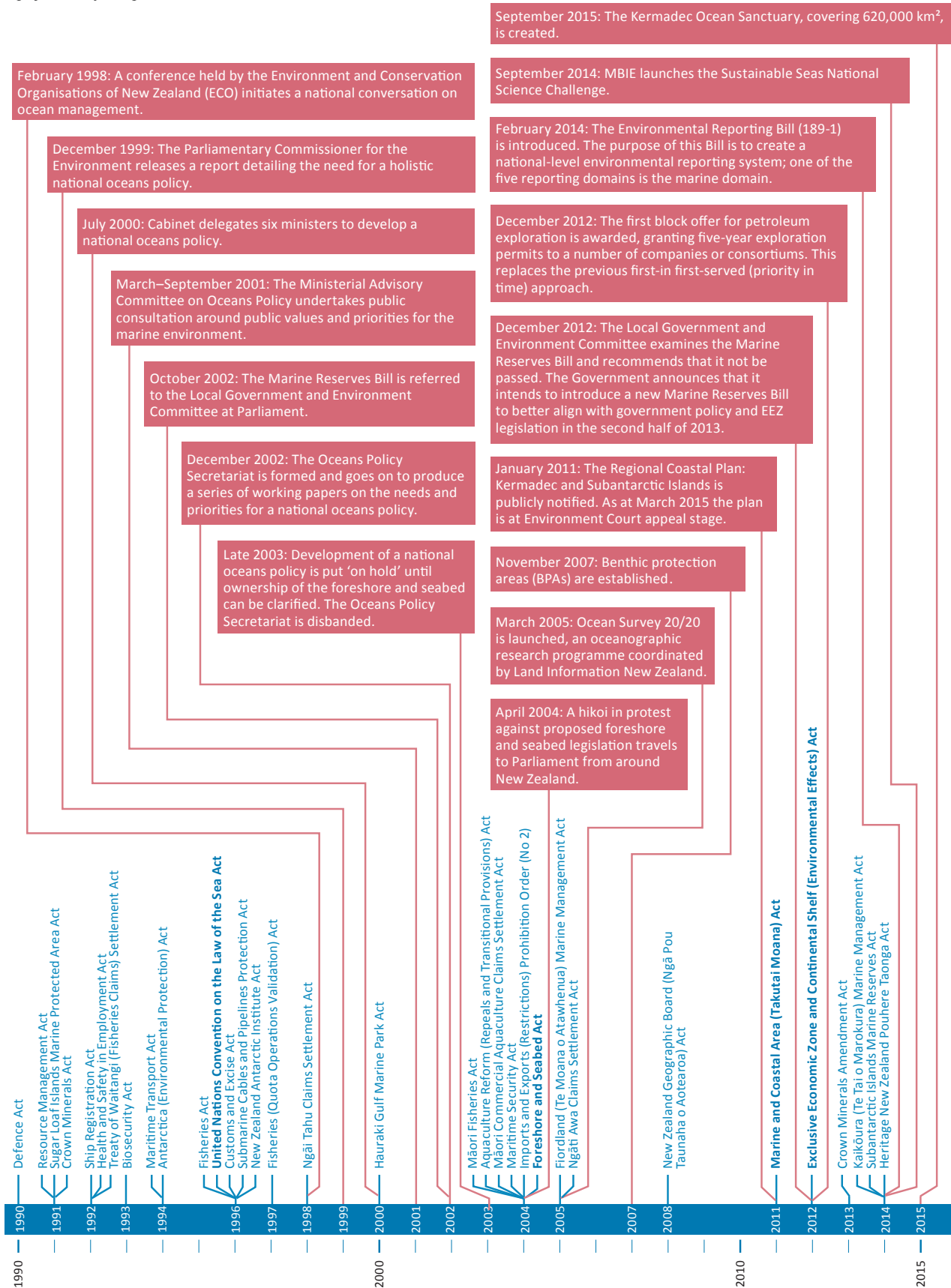
The person leading this institution would have a good understanding of the role of science and policy, would be an independent steward, and would be both a good listener and an excellent communicator with a strong interest in ocean management. There would also need to be a secretariat, with at least two analysts, a communication and marketing manager and a website designer and developer.

## 8. What should be its first task?

The first task of the institution should be to outline a timeline of public policy developments, which would involve preparing a summary of the current policy landscape (issues, stakeholders and public resources), holding discussions to identify current and emerging issues and opportunities and creating a website to ensure that these processes, tools and outputs are available to the public.

## Timeline of key events and legislation

Key events are described in the red boxes below. Far below is a timeline of legislation relating to ocean management. The most prominent pieces of legislation are bold. For more information see the McGuinness Institute *Report 10: One Ocean: Principles for the stewardship of a healthy and productive ocean.*



The McGuinness Institute is a non-partisan think tank working towards a sustainable future, contributing strategic foresight through evidence-based research and policy analysis.

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