

# Collaborative Governance Case Studies: The Land and Water Forum

*Elizabeth Eppel*

**Working Paper No: 13/05**

**Year 2013**



## Institute for Governance and Policy Studies

A research institute of the School of Government

INSTITUTE FOR GOVERNANCE  
AND POLICY STUDIES  
WORKING PAPER  
13/05

MONTH/YEAR November 2013

AUTHOR Elizabeth Eppel  
Victoria University of Wellington

ACKNOWLEDGEMENTS The author acknowledges with thanks the assistance from Alastair Bisley, in providing feedback on earlier draft, and the participants in a Collaborative Governance Workshop held in Wellington, August, 2013

INSTITUTE FOR GOVERNANCE  
AND POLICY STUDIES School of Government  
Victoria University of Wellington  
PO Box 600  
Wellington  
NEW ZEALAND

For any queries relating to this working paper please contact: [elizabeth.eppel@vuw.ac.nz](mailto:elizabeth.eppel@vuw.ac.nz)

DISCLAIMER The views, opinions, findings, and conclusions or recommendations expressed in this paper are strictly those of the author. They do not necessarily reflect the views of the Institute for Governance and Policy Studies, the School of Government or Victoria University of Wellington.

## Institute for Governance and Policy Studies Research Project:

### Collaborative Governance Case Studies

*Author: Elizabeth Eppel, School of Government*

#### Part 1: Land and Water Forum<sup>1</sup>

Looking at collaborative processes in retrospect is always easier than it was at the time they were first happening. They tend to look more designed, orderly, and less messy than they actually were. In Land and Water Forum case, a number of strands of activity/inactivity and actors came together to construct the beginning.

By 2008, progress to establish a framework for land and water protection and use in New Zealand, beyond earlier policy initiatives (1967 Water and Soil Conservation Act to the RMA in 1991), had stalled, and processes around water governance had become increasingly conflict-riven and uncertain. A voluntary Accord between dairy farmers and government agencies<sup>2</sup> to stem the environmental effects of run-off contaminants into streams and rivers, occurring from increased dairying, was seen as inadequate for stemming a growing water pollution problem. Most environmental advocates, wanted a more effective and nationally consistent approach to regulation than the regional councils, empowered by the RMA, were delivering.

Guy Salmon, a well-known and widely respected environmental advocate had been funded to examine more collaborative approaches to environmental policy used in the Nordic countries. Salmon reported on his findings to an audience at an environment conference which included a wide range of the key players with an interest in the environment and environmental regulation. According to Salmon, the Nordic countries had some impressive achievements in making major changes to create more sustainability in infrastructure and resource use using collaborative approaches. Salmon's research and advocacy for a more collaborative approach to solving New Zealand's impasse gained support from some key actors attending an environment conference such as the Environmental Defence Society, iwi, agricultural business interests.<sup>3</sup> Continuing discussions among key people and also the person who would become the Minister for the Environment after an election that changed the government in late 2008, opened up the possibility of the application of the approach in New Zealand.

In late 2008, Ministers in the then new National-led government saw this increasing difficulty in establishing a consensus about what constituted sustainable land use and its implications for freshwater governance as an opportunity to back a different approach. The willingness of a critical number of keys actors representing powerful environment, agricultural business, and iwi interests to

---

<sup>1</sup> Part 1 was written in 2010 as part of the Emerging Issues Programme (EIP) on the Future State while the Land and Water Forum process was still in progress. Only minor amendments have been made to place this first phase of the LWF in the context of subsequent reports and decisions by government.

<sup>2</sup> Dairying and Clean Streams Accord, 2003: <http://www.mfe.govt.nz/issues/land/rural/dairying-accord-may03.pdf>

<sup>3</sup> Salmon, G. (2008). *Governance of the rural environment - Are existing approaches working?* Paper presented at the Conflict in Paradise: the Transformation of Rural New Zealand. Environmental Defence Society Conference 11-12 June 2008, Auckland.

work actively on a solution and the willingness of Ministers to give support to a collaborative process took some months of negotiation to secure. Agreement first had to be reached about the problem that the various key stakeholder interests were willing to work on and the mandate that ministers were willing to give to a learn-as-you-go collaborative process<sup>4</sup>. The result was that in July 2009 Cabinet gave the Minister for the Environment (Nick Smith) and the Minister for Agriculture, later Primary Industries, (David Carter) permission to initiate a stakeholder-led collaborative governance process to recommend reform of New Zealand's freshwater management. The Land and Water Trust was formed by key non-government actors (with trustees from Ngati Tuwharetoa, Dairy New Zealand; Forest and Bird; and Alastair Bisley as Chair) to create a vehicle which could support a collaborative process separate from government.

The chairperson of the Land and Water Forum, as the process became known, Alastair Bisley, noted it as 'an exercise in collaborative governance – addressing complex and intractable issues by bringing together the principal stakeholders, including from the private sector and civil society, to seek agreement/consensus on a way forward.' Nearly 60 important stakeholders in water management joined this Forum – farmers, foresters, Fonterra, recreational and environmental NGOs, miners, tourism operators, power generators, irrigators, academics, scientists; and iwi – some did so on their own motion after hearing Salmon's enthusiastic advocacy for a New Zealand process of policy making more akin to the Nordic one, while some were prompted to join. Once some of the key players had put their support in the process, others were keen not to be left out.

The Forum's mandate was to:

- conduct a stakeholder-led collaborative governance process to recommend potential reform of New Zealand's fresh water management
- using a consensus process, identify shared outcomes and goals for fresh water
- options to achieve the shared outcomes and goals.

For the ministries involved, this was a step into the unknown which left policy analysts to one side. Senior officials from central and local government agencies played active observer roles and a researcher documented the process because everyone was learning their way forward.

The Forum presented an agreed report containing a package of 53 recommendations to Ministers in September 2010<sup>5</sup>. Bisley provided some insights about the broader circumstances which led to the Forum being established and which also helped it to succeed<sup>6</sup>.

*First, there is the increasing realisation of the importance of water to New Zealand as a strategic asset. Second, there is a mounting public awareness of the changing condition of our rivers, lakes, wetlands and our groundwater. Third, New Zealand is more aware of its own water use in the context of water problems globally, including under the pressures of population growth, economic development and climate change. These three factors interacted with the history of water use policy development.*

---

<sup>4</sup> Relatively unknown and untested at that time in New Zealand at the national level of policy making.

<sup>5</sup> This became the first of three reports from the LWF to Ministers between 2010 and 2012.

<sup>6</sup> Bisley, A. (2010). [Land and Water Forum: Address to the Institute for Policy Studies, October 2010].

*New Zealand is fortunate – we have a wealth of freshwater, some of it of a very high quality. As land use intensifies, however – and it is intensifying faster than in most other countries in the OECD – we know we are exceeding limits in some parts of New Zealand, shown by deteriorating water quality, diminished flows, and constraints on our economic opportunities. The problem has not only to do with primary industry. Point source discharges have improved since the RMA was passed but they are still a serious contributor to contamination. Water systems are complex and interdependent and we don't fully understand all of them, or the relationships between them, well enough. We do know that change in water bodies can be nonlinear and occur suddenly after long lags.*

*Furthermore the changing quality of freshwater in New Zealand impacts both on our standard of living and our quality of life, on the economy and the environment. It affects 'brand New Zealand' which is based on a promise about the environment and is important not only for tourism but also increasingly for the perception – and reception – of New Zealand's primary exports abroad<sup>7</sup>.*

Bisley commented in September 2010 that the Land and Water Forum experience of collaborative governance is a valuable process for making progress on complex problems.

*It is very unbureaucratic. It takes out the middle man and puts the onus of finding a way through a complex issue or series of issues on the stakeholders themselves – the people and organisations whose interests, conflicting or coinciding or complementing each other, give the problem its complexity. They have to deal with each other directly, not through an intermediary, and they have to take the responsibility of reconciling the various things that they want. In doing so, they come to reflect a wider interest: the interest of New Zealand as a whole. At the same time they establish a set of relationships which not only sustains the collaborative venture in its narrower sense, but also have a wider relevancy<sup>8</sup>.*

Bisley went on to observe 'collaborative governance has not been a usual part of our national-level policy making and political culture. For this experiment to occur with a chance of success there were at least three preconditions: stakeholder support, iwi support and government support'. He elaborated on these:

*Stakeholder support was generated in the first instance at the 2008 EDS Conference by Guy Salmon's report on his research on the use of collaborative processes at the national level in some Nordic countries. For a collaborative process to succeed, you must have in the room pretty much all of the people who can say "No!" and, spontaneously, then and thereafter, those institutions joined up. Also as the Land and Water Forum got under way, and in spite of some fashionable skepticism, the process generated energy and excitement, and a wide variety of people and institutions offered help, among whom NIWA was the outstanding example.*

---

<sup>7</sup> Bisley, A. (2010). *The Land and Water Forum: Making progress*. Paper presented at the Environmental Defence Society Conference, 2 June 2010, Auckland. [http://www.edsconference.com/2010\\_conference.cfm](http://www.edsconference.com/2010_conference.cfm).

<sup>8</sup> Bisley, A. (2010). Speech at the launch of Land and Water Forum Report: A fresh start for freshwater. September 2010. <http://www.landandwater.org.nz/Site/Resources.aspx>

*Although iwi were on the list, initially they were not present in the flesh, and it was not axiomatic that they would participate. I did not believe that we could proceed without them: they are the Treaty Partner, their interests are large and increasing, and water is central to their interests and their identity. We were fortunate in finding exceptional interlocutors who were able to persuade iwi leaders to support the venture. I must specially mention Dean Stebbing of Ngati Tuwharetoa for his ample vision of what could be done and his remarkable capacity to make it happen – and not just in relation to iwi but in relation to the work of the Forum as a whole. Dean was one of the three trustees who constituted my inner council –with Kevin Hackwell of Forest and Bird, and Simon Tucker of Dairy New Zealand.*

*Finding terms on which the government was prepared to support the Forum was a major part of the work of the early period of its existence. We needed key ministers' support to get us going. There was a chicken and egg problem to overcome: they couldn't support unless we agreed, and we couldn't agree unless they supported us'.*

*The spontaneity of the Forum gave it vitality and freedom but we had to have someone to report to with a constitutional mandate to decide and to act. The agreement of Ministers Smith and Carter to the process provided this. We needed a deadline or our labours could have become endless. Our two Ministers gave us one, extended it judiciously, but kept the pressure on. We needed freedom to find consensus. Ministers took a caring interest in how we were getting on but they gave us our heads. We needed money. Government gave us enough to employ a very small secretariat, purchase some research and contribute towards the cost of running meetings. (They were met with a huge investment by the participants themselves, who put by my estimate more than a third of their own time into the venture on top of their day jobs.) And with this money came accountability.*

Ministers at that time acknowledged some nervousness at having embarked on an unconventional process but were welcoming of the Forum's report and invited it to consult more widely on its preliminary recommendations<sup>9</sup>.

### ***Making collaborative governance work***

Bisley observed that when the Forum actually began to meet in 2009, it became clear that while in principle everyone was prepared to collaborate, they had not decided exactly what they would collaborate to do, and they were not sure how they wanted to go about doing it. In December 2008, when Bisley took on the role of independent chair, a small group was set up to build trust and to find a way forward. Initially, a plenary of 58 water use interests including Federated Farmers, Fish and Game, five great river iwi, Fonterra, Forest and Bird, the mining industry, Mighty River Power, Meridian Energy, and local government came together. The plenary of 58 asked a smaller group of 21 to work up a report for everyone to consider and were assisted to do this by a group of six active observers from national and local government

---

<sup>9</sup> Land and Water Forum members consulted widely around New Zealand in late 2010. Ministers then gave the a renewed mandate to advise them further on how the government might effectively implement a policy framework for fresh water use and conservation. This renewed mandate became the work of the second and third reports of the Land and Water Forum in completed in April and October 2012.

*By June 2009 we had agreed rules of engagement, a concept document, and a broad brush project plan. Iwi had defined the space in which they would be comfortable to participate. Cabinet had agreed to support and to fund.*

*It is not surprising that this trust-building phase was necessary. Some participants were at daggers drawn over water quality (Fonterra and Fish and Game over “Dirty Dairying” for example). Many were habitually on opposing sides in consent hearings and the Environment Court. Iwi were hesitant to join in a process which might complicate their negotiations with the Crown. Others were afraid of iwi double dipping. Large industries feared that NGOs had no skin in the game.*

*The surprising thing – with hindsight – is that people moved beyond their original distrust so quickly and started to realise how much they might be able to agree about. Before Christmas, we completed the first phase of our substantive work in which I asked each sector to describe its long term economic, social, cultural and environmental goals and strategies, and the implications these have for its use of water. During this phase we also heard from a wide coalition of scientists, drawn together from regional councils, universities and research agencies by NIWA. The specific information about what the different enterprises want, and how they are managing their water needs, and with what results, was the platform for the second phase.*

*In the second phase, we worked through an agenda to determine what we could recommend on the inextricably connected issues of quality, quantity and governance. I say quantity for the sake of alliteration, but what I mean of course is the range of issues around flows and how they are allocated, including the question of so-called “new water”, which you might derive from the more efficient use of the old, and which you might also derive from storage.*

*The Forum’s process became an iterative one: we discussed the topics on our agenda in the Small Group; prepared papers which we discussed in sub-groups; and reported back to the Small Group identifying points of agreement and disagreement. There was time for three iterations of this cycle, which of course was supplemented by a range of informal contacts and discussion, and interspersed with reports to the Plenary’.*

*Processes involving many participants generally reach conclusions towards the end. So it was for the Forum, making it difficult therefore to give a comprehensive account to the Plenary in the first half of the year. In the last three plenaries, however, we made substantive reports on progress, and in the final plenary we went through recommendations one by one. This gave the Forum confidence to agree that our report had merit and that we should send it at once to Ministers.*

The Forum’s report *A Fresh Start for Freshwater* can be found on the Land and Water Forum website, [www.landandwater.org.nz](http://www.landandwater.org.nz).

*It is a high level report in the sense that the Forum did not try to set out detailed policies and technical solutions. That is because the problems of water management are not primarily technical. The policy debate had been stalled for the lack of agreement on the underlying problem and the on the broad direction that should be taken to resolve it. What the Forum provided is a direction and an agreed framework within which the detailed work*

*on policies and options can proceed. When we started the process, the outcome was uncertain, but now there is a small queue wanting to join the Forum.*

The Land and Water Forum has reflected on its own collaborative process and Bisley summarises the prerequisites or requirements of collaboration from the perspective of the Forum's experience<sup>10</sup>. With the knowledge of his colleagues, Bisley had promised Ministers at the Forum's outset that if the process started to go in circles he would bring it to an end rather than keep spending if the way forward was blocked.

Bisley says that a collaborative process has to be open to all interested parties to send their own representatives and this group must include iwi<sup>11</sup>. Bisley also addressed the question of how you know when you have all the people you need in a collaborative process. The LWF took the view that the process needed to have around the table all the people who could effectively say 'no'. Moreover, Bisley says, you need the person who is going to carry the flag for the organisation they represent and bring the commitment of their organisation with them, which might not always be an easy pathway to agreement when organisations are coming from very different positions, but will ensure that if and when a position is reached that the member does speak for the support of their organisation. If you have too many around the table to make a collaborative process work then there are various ways you can reduce the numbers by breaking the work up between smaller sub-groups, but it needs to be remembered that at the end of the process all the work does need to come back to the larger group.

According to Bisley, the Forum process was organic. People came because they wanted to come and new people joined the process during 2009, and 2010. The Forum worked on a consensus rule. 'Everyone had to agree enough not to say they disagreed'. Members of the Forum were forced to reach beyond a simple yes/no. According to Bisley, whatever the Forum came out with had to have benefits for all of its members not just some. Bisley says that while this consensus rule might appear to give everyone a veto power, actually it puts enormous pressure on everyone to find a way through. If you cannot reach consensus, says Bisley, then you have to continue to make progress by setting out the options clearly. While the Forum did reach consensus on the report as a whole, there are a couple of areas in the report where options are laid out for more work to be done, because a consensus was not reached in those areas. 'It's also better to have more than two options, to avoid polarity', says Bisley.

A collaborative process needs both a skilled facilitator and a good chair, says Bisley. That is someone knowledgeable about the processes groups of humans go through when trying to reach agreement. 'We could continue to make progress in the Forum with "instability within the crucible as long as there was not instability of the crucible itself (i.e. the Forum process)". The chair needs to be independent and be able to build trust across the wide range of participants. 'As chair, I needed to be a servant of the process', said Bisley. 'Most fundamentally the role of the chair was to listen. Each of the participants has to think that you have listened to them enough, for the final statement to

---

<sup>10</sup> Independent researchers also followed the process and reported on their findings. See Baines, J., & O'Brien, M. (2012). *Reflections on the collaborative governance process of the Land and Water Forum: Research report for the Ministry for the Environment*. Wellington: Ministry for the Environment.

<sup>11</sup> Bisley commented that if iwi had not been part of the Land and Water Forum from the beginning, then subsequent consultation would in effect have had to start the Forum's process all over again.



have addressed their concerns.’ The chair provides structure and purpose to the group, providing agendas, plans, summaries of positions, and so on, and then the process of interaction in the room does the work. One of the ways the chair can facilitate consensus is by building ‘straw man’ – statements on which there is likely to be agreement, which will keep the process moving forward. That is the focus tended to be on where there was agreement, not where there was disagreement. The chair also has to mediate between the group and the wider polity, ministers and the public in creating an expectation that the group would reach agreement. ‘The group is more likely to reach agreement if there is an expectation that they will’.

A collaborative group needs good, reliable information which takes resources and time. Forum members provided information to the Forum and it was also supported by expertise from NIWA, Landcare Research, and the like, which made information and technical experts available to the Forum. The cost of a collaborative process needs to be considered. There are meeting and travel costs and the huge commitment of people’s time which in the Forum process were met by the organisations themselves. Given the commitment of resources, processes like the Land and Water Forum need a mandate from a decision making body, and a reasonable expectation that the members commitment of time and their own resources is balanced by a commitment that the recommendations of the group will be acted on by the relevant decision maker.

## Part 2: A fresh start for freshwater

Part 1 of this case study relied heavily on a few reports on the Land and Water Forum process that were available in 2011 and has been only slightly revised since then. Part 2 looks back to this earlier story from August 2013 and what followed to more securely establish the Land and Water Forum process as a widely perceived successful collaborative governance process to advance policy making.

In May 2011, the Ministers responsible announced the government's decision on the unanimous recommendations of the 58 members who signed up to the 2010 Land and Water Forum report: *A Fresh Start for Freshwater*. Ministers announced their own 'Fresh Start for Freshwater' package adopting the Forum's title and they also chose this time to release a long awaited National Policy Statement for Freshwater, to come into effect on 1 July 2011, requiring Regional Councils to set limits on both water quality and quantity. As well, they also made available some resources to support sustainable irrigation projects and the clean-up of polluted rivers and lakes. In the timing of the release of the Policy Statement, Ministers narrowly avoided the process that had delivered a useful breakthrough unravelling. The Dominion Post Editorial at the time, which spoke about a 'squandered opportunity' (see Appendix 1), reflected the fear that ministers would cherry-pick what they liked from the Forum's recommendations rather than have regard for the balance of the totality which had been the product of long deliberation and hard compromise.

The Policy Statement, which some Forum actors thought too prescriptive and demanding while others thought it not prescriptive enough, fortuitously, did become a platform from which a new phase of work for the Forum could proceed. To get to that point, Forum members wanted to be reassured that their recommendations would not be ignored or even selectively implemented. Forum members generally agreed that the 'devil was in the detail' which was not in the Policy Statement. The less than delighted response by the Forum to government's Policy Statement announcement, because might have served to remind ministers that there was a tacit trust agreement in place between ministers and Forum participants: policy solutions that Forum members would continue to support and implement, in return for ministerial commitment to implement them. Reassurance came in the form that ministers gave the Forum a renewed mandate to recommend what would be needed to effectively implement a limit-setting approach to water management.

Between 2011 and 2012, the Land and Water Forum continued to meet and consult with their constituencies, and more widely, to deliver on their renewed mandate. Alastair Bisley acted as Chair throughout and the Forum completed two more reports to flesh out how they collectively saw the process of water governance operating to set limits for water quality, quantity and allocation<sup>12</sup>. The Forum's Second Report and Third reports were released in May and November 2012. The May report put forward a national framework within which Regional Councils could work with their communities and iwi to set freshwater objectives and develop limits for its use. The Forum's intent

---

<sup>12</sup> *Second report of the Land and Water Forum: Setting limits for water quality and quantity a freshwater policy- and plan-making through collaboration. (2012).*

*Third Report of the Land and Water Forum: Managing water quality and allocating water cover. (2012).*

was to provide 'a consistent and transparent process for setting objectives and limits, and one that will lead to effective and enduring outcomes, including greater certainty for investment and development'. The November report recommended a process for managing freshwater within limits involving integrated decision-making in catchments, continuous improvement of management practices to improve water quality and clearer rights to take and use water within set limits.

*What we put in front of Ministers, through our three reports, is not the result of a small or narrow or sheltered conversation. It is a fully developed blueprint for land and water management in New Zealand devised by farmers, foresters, by tourism and industry, by horticulturalists, power generators, green NGOs – and of course by iwi, the Treaty Partners. And all of these people were assisted in carrying out their task by scientists, social scientists and economists, as well as by officials, both from local and central government.*

... we recommended to the government:

- **Local decisions** on land and water management made within **national frameworks**. Decisions need to reflect local conditions and local wishes; but national frameworks narrow areas of contestation, and avoid continual reinvention of the wheel.
- **Collaborative processes** to recommend **rules in plans** on the basis of consensus, as the key to buy-in and innovation.
- **Objectives** for the state of waterways, which determine **limits** on takes and discharges. Without objectives, limits will be random. Without limits, objectives will be meaningless.
- **Integrated** deployment of **management practices** by all parties – with **accountability** for ensuring that the agreed limits are achieved.
- Improved **clarity and certainty about rights** – including **iwi rights and interests**. There can be no resolution of issues around fresh water if everyone else's rights and interests have been resolved but iwi's have not.
- Improved **clarity and certainty about obligations** (Trading systems, for example, can operate only once clear limits have been established).
- **Dynamic management systems**, so that resources can flow to the highest valued use over time
- Management systems which **apply across all regions and in urban catchments as well as rural ones**

During the life of the Forum, the ministries involved needed to create the space for the Forum to do its work and also prepare to for what implementing its recommendations might entail. To some extent, the existence of the Forum changed the relationships between the government ministries and the environment sector stakeholders. According to the Ministry for the Environment chief executive, it now also works more collaboratively with water-use stakeholders in the Forum in ways that would not have been possible previously.

*solutions struggle when ‘politically charged’ receiving environments are ignored: that is those receiving environments characterized by entrenched positions and adversarial posturing....The Land and Water Forum has been instrumental in creating for the first time a ‘receiving’ environment that is conducive to new policy solutions. (Reynolds, 2011, p. 5)*

Other organisational actors in the governance space concerned with freshwater, such as the Parliamentary Commissioner for the Environment, continued to execute their roles and also had things to say during the life of Forum. The former issued her contribution to understanding the science of water quality<sup>13</sup>, and the Auditor General reported on how well Regional Councils were performing their statutory functions with respect to water quality<sup>14</sup>.

In reality, water governance is a multi-actor process that takes place across a number of action arenas<sup>15</sup> and many government and non-government organisations are involved (depicted stylistically in Figure 1). The Land and Water Forum was one process within a complex institutional framework and played a critical, necessary role in bringing new information and resources to a stalled policy making process and showing how governance processes might work differently and more effectively. The extent to which collaborative governance processes might become a better understood, respected and more common way for policy to be developed and implemented, at the national, regional and local level, is still in the future.

There was a change of Minister during the life of the Forum because of resignation of Nick Smith from Cabinet. In December 2012, the new Minister for the Environment, Amy Adams, was able to acknowledge the work of Forum and use it as a launching pad for the next stage of policy:

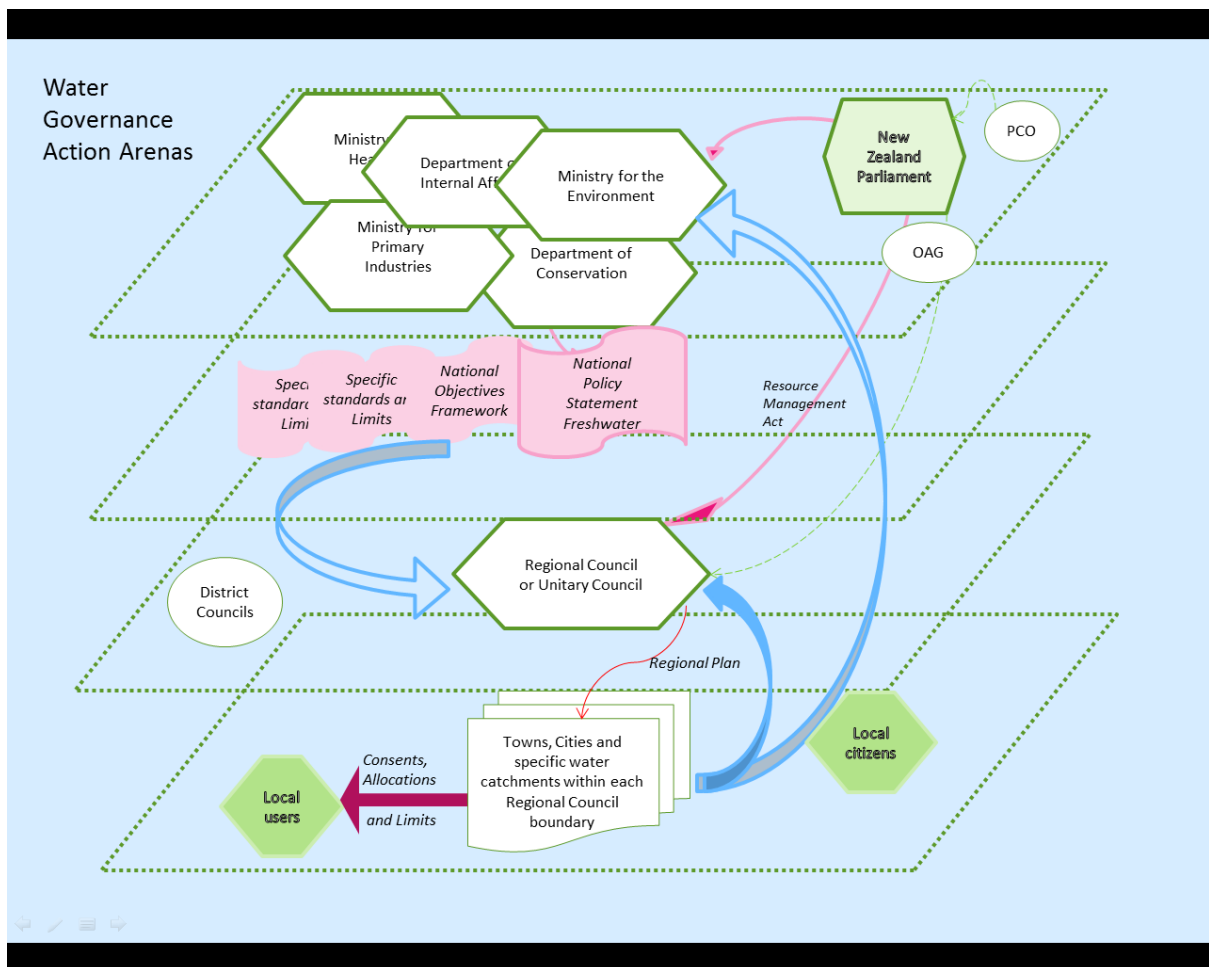
*The land and Water Forum’s significant work over the last four years has provided a strong basis for improving New Zealand’s freshwater management system. The Government is now at the point of being able to advance freshwater reforms that have wide buy-in, consider the long-term impacts of the way we manage our freshwater resource and provide greater certainty for those that need reliable access to water. These reforms are about the Government supporting communities to make decisions, plan and set freshwater objectives and limits, and then meet the challenges over time of managing our land and water use within those limits. They are also about ensuring we recognise the rights and interests of iwi in freshwater.*

---

<sup>13</sup> Parliamentary Commissioner for the Environment. (2012). *Water quality in New Zealand: Understanding the science*. Wellington: Author [www.pce.parliament.nz](http://www.pce.parliament.nz).

<sup>14</sup> Controller and Auditor-General. (2011). *Managing freshwater quality: Challenges for regional councils*. Wellington: Office of the Controller and Auditor-General.

<sup>15</sup> See for example, Ostrom, E. (2005). *Understanding institutional diversity*. Princeton, NJ: Princeton University Press.



**Figure 1: New Zealand water governance action arenas**

The next stage of ‘implementation’ of the fresh start for freshwater will involve more traditional parts of the policy making process in establishing legislation and regulations. Early in 2013 government released its proposed new policy framework for managing freshwater<sup>16</sup> and its intention to amend the RMA to allow for limits to be set by regional councils using the collaborative processes recommended by the Forum (see Figure 2).

*The Government is now at the point of being able to advance freshwater reforms that have wide buy-in, consider the long-term impacts of the way we manage our freshwater resource and provide greater certainty for those that need reliable access to water. These reforms are about the Government supporting communities to make decisions, plan and set freshwater objectives and limits, and then meet the challenges over time of managing our land and water use within those limits. They are also about ensuring we recognise the rights and interests of iwi in freshwater. The key tenet of the Government’s proposals is that improving our water management system will require solutions that start now and build over the long-term. There is no quick fix. Issues with our waterways have been building over a number of generations, and it is going to take a similarly long time to fully realise solutions for these issues. Minister for the Environment, March 2013*

<sup>16</sup> Ministry for the Environment. (2013). *Freshwater reform 2013 and beyond*. Wellington: Ministry for the Environment.

This was followed in November 2013 by the release of the Governments proposed amendments to the National Policy Statement for Freshwater Management 2011<sup>17</sup>, to put in place a National Objectives Framework with a suite of national freshwater values, prescriptions of certain associated attributes and a process for using the National Framework to support and guide the setting of freshwater objectives by regional authorities. In particular, the document established two compulsory national values – ecosystem health and human health for secondary contact recreation – with minimum acceptable states for water quality.

The way is now open for the processes adopted at the national level by the Land and Water Forum to be replicated at the local and regional level. Not only will it be necessary to change the legislative framework in the RMA to enable a collaborative approach to planning and the setting of limits locally. A cultural and behaviour change is needed in how these processes are managed by Regional Councils and also a change in the style of leadership to become facilitators of a more inclusive process.

To better understand the cultural and leadership challenge ahead, we could look back to what was learned through the land and Water Forum process. Alastair Bisley endorses Lachlan Makenzie's<sup>18</sup> summary of the Forum process: 'what we did in the Land and Water Forum was talk to people we didn't agree with.... It is the only way to find lasting solutions'.<sup>19</sup> 'Collaboration means getting everybody to change their minds'.<sup>20</sup>

*And there you have it. That is the essential (though not the only) thing to understand about collaboration. You talk to the people you disagree with. Not just once, but again and again. Not casually or at random, but in a structured way. It's an uncommon habit for most of us.*

*You do it with the objective of reaching consensus, which sounds hard but is critical, because needing to reach consensus stops you from being able to give the flick to the opinions of up to half the people in the room, and it therefore requires you to listen very carefully to what everybody says.*

*And if you do listen carefully to what they say, you may come to realise that they are not the idiots that you thought they were! You may even stop entirely believing your own propaganda! And if these things do happen, your creative juices can start flowing, and you can begin to find common ground, and to come up with answers which – as we said about our work on freshwater – will maximise the advantages this great tāonga has for us all. Not for some of us at the expense of others, but for us all.*

---

<sup>17</sup> Ministry for the Environment. (2013). Proposed amendments to the National Policy Statement for Freshwater management 2011: A discussion document. Wellington: Ministry for the Environment.

<sup>18</sup> Lachlan Mckenzie was the Dairy Director of Federated Farmers and a key member of the Land and Water Forum from its first iteration.

<sup>19</sup> Bisley, A. (2013). Speech to the Bluegeen Conference, Tatum Park, 9 March, 2013. <http://www.landandwater.org.nz/Site/Resources.aspx>

<sup>20</sup> Taylor, G. (2013). Environmental policy-making in New Zealand, 1978-2013. Policy Quarterly, 9(3), 18-27. <http://igps.victoria.ac.nz/publications/files/35b01ecc1df.pdf>

The Land and Water Forum members have indicated their willingness to be ongoing participants in the policy process. At the time of writing, it is not clear when or if the proposed enabling legislation might be passed, mainly because of other changes the government is proposing to make at the same time, for which there is less support universal support. Fears are being expressed that undue delay in implementation, significant departure from the hard-won consensus, or a poorly judged National Objectives Framework could yet undo the policy gains that have been made through the collaborative Forum process.







Speculation among forum members is that Dr Smith, a minister with a history of championing the environment, has been rolled by Cabinet colleagues philosophically opposed to any restrictions being placed on the ability of farmers or industrialists to maximise their profits.

The Government is providing some extra money to clean up polluted waterways, which is welcome. However, its failure to set a clear national objective for water quality is disappointing, not just to forum members but to all those who remember drinking from rivers and streams in their youths. Some waterways that were once fit to drink from are now not even safe for swimming.

Conservationists, anglers and hunters have sensibly recognised that decades of degradation cannot be righted by the stroke of a pen. Their willingness to give ground in the short term to achieve agreement on a process to improve water quality in the longer term was one of the features of the forum deliberations. So was the preparedness of farmers, dairy companies and foresters to accept that change has to occur.

Together, they created a rare opportunity to achieve consensus on the way forward. Dr Smith and his colleagues have squandered it.

Figure 2: Proposed framework for managing freshwater (Ministry for the Environment, 2013)

