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Oceans Reform in Aotearoa New Zealand
a just transition?

Abstract

The concept of a 'just transition' has become strongly linked to climate change and the idea that the process of decarbonising society needs to be done in a way that is fair to all. However, it is equally relevant to other areas in which a transition is needed. This article explores what a just transition might mean for the reform of Aotearoa New Zealand's oceans management system. It argues that the concepts of justice and fairness are a useful way not only to manage the *process* of change, but also to frame and justify why change is needed. Different conceptions of justice – distributional equity, environmental justice, intergenerational equity, ecological justice and procedural justice – are all important lenses to look through when asking the hard questions about what the future of our seas should look like.

Keywords oceans, marine, transition, environmental justice, distributional equity, intergenerational equity, ecological justice, reform

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Aotearoa New Zealand has jurisdiction over a very large marine domain, which is around 20 times the size of the country's land area. The state of that environment was assessed in a joint report by the Ministry for the Environment and Statistics New Zealand (Ministry for the Environment and Statistics New Zealand, 2019). It describes a resource with many conflicting uses and priorities. Biodiversity is in decline. Land-based activities are polluting our oceans and shorelines. Pest species are an ever-present threat. Climate change is affecting our seas and what can thrive in them. And there are questions about how Aotearoa New Zealand makes the best use of scarce and contested marine resources. The system through which the marine area is managed – and the human activities that have an impact on it – is not producing optimal outcomes.

There is a clear need for change, although it is by no means clear what exactly that should look like. To assist with conceptualising options for change, the Environmental Defence Society is currently

undertaking a project on oceans system reform, using the same general framework as our resource management reform framework (Severinsen, 2019, 2020; Severinsen and Peart, 2018), which was a key motivator and input into the Randerson Report and the government's subsequent reform programme (Ministry for the Environment Review Panel, 2020). Our oceans project is looking from first principles at what options are available for whole-of-system reform – from norms, to tools, to legislative design and institutional settings. A report is due at the end of 2021, and readers are encouraged to engage with it.[1]

Irrespective of what options are chosen by government, change cannot happen instantly. It involves pathways between the system that exists now and a system for the future. The process of change needs to be fair and just. These terms – fairness and justice – are not always easy to pin down and can be defined differently depending on one's perspective. Four different lenses are looked at here: distributional equity, environmental justice, intergenerational equity and ecological justice.

The purpose of this article is to pose some key questions that will need to be answered during a transition to something new. It is a think piece; the idea is to highlight some questions that are not widely talked about in the context of a just transition – in the marine context rather than climate change – and to encourage people to think in a blue skies way about oceans reform. Most of all, oceans reform needs to be considered as an integrated system rather than a series of legislative silos (fisheries, aquaculture, marine protected areas, the Resource Management Act 1991 (RMA)) to be tinkered with. The concept of transition transcends legislative, sectoral and spatial boundaries.

The need for transition

There is a clear need to do things differently in our oceans. Not only does environmental reporting paint a grim picture of the outcomes happening at the moment; it also acknowledges that for many things policymakers simply do not know or cannot be sure about the extent of the problems (Ministry for the Environment and Statistics New Zealand, 2019).

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On top of that, the system by which human interaction with the marine environment is managed has problems of its own. It has failed to prevent poor environmental outcomes – that is its obvious shortcoming – but it is also fragmented, complex, inaccessible, riddled with gaps and inconsistencies, defined by conflict, and outdated when it comes to its underpinning norms (including the principles of te Tiriti o Waitangi). It is also arguably unfair for those using it and those with rights and privileges created under it. Outcomes must change, but so too must the system that delivers them.

Of course, most discussion about a 'just transition' still occurs in the context of climate change. That generally focuses on how overall emissions reduction targets are met in a way that is equitable. It is about who does what to achieve our national, and ultimately global, imperative to stop global warming. In the climate context, Aotearoa New Zealand is well down the track in some ways. This is because there is a strong international framing under the United Nations Framework Convention on Climate Change and the Paris Agreement, with a fairly specific outcome sought (to keep the global average temperature well below 2°C above pre-industrial levels, while pursuing efforts to limit the temperature increase to 1.5°C) and a nationally determined contribution set for New Zealand (to reduce greenhouse gas emissions by 30% below 2005 levels by 2030) (Ministry for the Environment, 2018). Dare we say it, the normative basis for change – what is being aimed for and why – is now reasonably clear for the climate. Getting there is the hard part.

In the context of our oceans, things are different. Perhaps this is why New Zealanders tend not to be talking about a just transition; to think about a change process that is fair it is necessary first to accept that there is an actual need for some transition to occur, and have a common appreciation of what the end point of a transition should be. The conversation about how to get there is important to start now, but it has yet to be forced in the same way it has been for climate change because there is not yet a clear consensus about where we are heading.

A 'just' transition: process or outcome?

It is important that a transition for oceans management should not be conditional on it being just. All too often this is the framing that is being used: 'If people cannot agree on what is just, we simply put off the change until agreement can be reached.' Language matters here. The reality is that change needs to be non-negotiable, and only *within* those constraints can policymakers consider what is fairest. Unfairness is not an excuse for inaction. This has played out in the climate change context for many years as sectors fight to be excluded from emissions restrictions, and we cannot fall into the same trap with oceans.

In that light, it is worth pondering this: it is not only a transition *process* that needs to be just (e.g., who gives up what to achieve society's goals, and do they receive some form of compensation for doing so), but also the transition itself – the end point

of where society is trying to get to. The need for change – including environmental protections – is about justice, not some arbitrary imposition of government power or the product of 'green' interest groups. This reflects a distinction that some commentators have made between 'ideal' justice (which, through changing circumstances, 'often gives us reason to change laws, practices and conventions quite radically, thereby creating new entitlements and expectations') and 'conservative' justice ('it is a matter of justice to respect people's rights under existing law or moral rules, or more generally to fulfil the legitimate expectations they have acquired as a result of past practice') (Stanford Encyclopedia of Philosophy, 2017). A useful way to reconcile these two things may be this: the goals society has can legitimately push towards its constantly shifting conception of 'ideal' justice, but the mechanism for *getting* there (a just transition) can focus instead on 'conservative' justice – ameliorating impacts on those benefiting from the status quo.

Another way to put this is that the alternative to a meaningful transition, whether it is just or not, is an 'unjust stasis'. This is readily apparent in the context of climate change: if the rest of the world does nothing, it is grossly unfair for (1) low-lying Pacific island states which will be flooded and which have contributed little to the problem; (2) those of lower socio-economic status who will be more vulnerable to the impacts of climate change; and (3) those who have enjoyed relatively little financial benefit from the historical emission of greenhouse gases.

In the marine context, the need for some form of change can also be justified with reference to what is just, although it is not quite as clear-cut as with climate change. Careful thought needs to be given to whether a number of transitions are just, because goals are largely undefined and multifaceted, and could look quite different depending on one's perspective on justice. There are a number of ways to look at what outcomes would be fair or just.

Distributional equity

First, policymakers need to consider intragenerational equity, or distributional

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equity, when considering if a transition to something new is just for oceans. The question is not only about who should *give up* what, and in what measure, to reach a target for a 'public' good like environmental health (e.g., whether all or only some fishers should be excluded from new marine protected areas). It is also about whether the *benefits* of using resources should themselves be consciously redistributed. For example, as a society are we wanting to consciously transition towards a redistribution of rights to fish? Is *that* a just transition? It is an issue that is less apparent in the climate context, but plays out in other contexts, such as freshwater, as well.

From a te Tiriti perspective, there is already full and final settlement of Māori commercial fishing rights through the quota management system, and customary take is also protected outside that framework. The former represents redress for past injustice – a breach of te Tiriti. This could be described as restorative, reparative or corrective justice – seeking to right a past wrong. But there are many other questions about redistribution of rights when looking through a lens of distributional equity. For example, is it fair that recreational fishing allowances are made before commercial ones, or that the relative proportion of such rights is left unclear in legislation and at the discretion of the minister? Should there be stronger non-aggregation rules for quota holding, meaning rights are distributed more widely across society? Should quota holders be required to do the actual harvesting themselves, linking rights holders with operators to reduce the disparity in income that has arisen between investors and actual fishers?

Even more fundamentally, should existing rights be 'wound back' (e.g., buy-back of some or all quota by the Crown) and reallocated/leased based not only on the ability to pay market value (as under the quota management system), but also on environmental factors (e.g., who would use gear that has the least benthic impacts or generate the least by-catch)? Should that extend to socio-economic factors too (e.g., who would best support local communities, e.g. by landing or processing catch locally)? Who should get to decide such things, and what would the weighting of the various considerations be? Moreover, does the historical context matter, in that it was – at least from some perspectives – unfair that quota rights were essentially given away for free to some operators (owners of commercial fishing vessels) while others (part-time fishers and deckhands) were excluded?

Questions about distributional equity abound in the context of management of a commons like the oceans, and they are not limited to the fisheries context. Is it fair, for instance, that the allocation of coastal space is still largely done on a reactive, first in, first served basis? If not, who should receive these 'rights', and on what basis (and for what activities)? Should the market decide, or should that be the job of a well-intentioned public authority? Should communities and their representatives get a say? And should such rights be given away for free (on a cost-recovery basis), or should there be a return to the public and Māori (by imposing a resource rental or koha)?

Furthermore, is it fair that new aquaculture rights are, essentially, dependent on them not having an undue

adverse effect on wild fishing interests? And is it fair that, albeit in a fairly unconscious fashion, the interests of some fishers, aquaculture proponents and recreationalists are effectively subservient to the 'rights' of landowners who discharge nutrients and sediments into harbours, impacting on the productivity of the marine environment? And finally, is it fair that the financial benefits of harvesting wild fish – a common resource – accrue to quota holders without a portion being returned to the public through a tax or resource rental? (On a deeper level, does society still even regard fish as a 'common' resource of New Zealanders, or is it rather a 'shared' resource between commercial, customary and recreational fishers?)

These questions are complex and value-based. The point is that only once one determines *whether* the end point of a transition is fair – whether it should be pursued at all – can one think about *how* it is done in a fair way (e.g., through compensation for lost rights, partial buy-back of quota, the establishment of a tendering process for new fishing rights/permits, and so forth). The latter does not work without the former. For example, one might accept that some redistribution of quota is desirable in the interests of fairness. Only then is it useful to consider the justice of the method of doing so: for instance, whether it would be fair to buy back those quota at the taxpayer's expense given that (1) early on during the establishment of the quota management system many rights were largely obtained for free based on an operator's historical catch levels,[2] and (2) some fishers received no quota (or compensation) at all when the quota management system was brought in.

Similarly, only if one accepts that the public *should* receive some financial benefit from the use of a public resource can one ask whether it would be fairest to characterise that as a cost-recovery levy type arrangement, a tax, a koha or a resource rental, and what such revenue should be used for (e.g., marine conservation efforts, investing in the development of a fishery, assisting kaitiaki, or a general pot of government money). All of these questions are far from settled in the marine context.

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Environmental justice

The concept of environmental justice is another lens through which the justice of transitions can be viewed in the marine context. As with distributional equity, this colours our view of *whether* a transition is just, not just *how* it occurs. It is closely related to indigenous environmental justice, which in Aotearoa New Zealand is often framed around obligations and redress under te Tiriti o Waitangi (see Parsons, Fisher and Crease, 2021).

Environmental justice is about who bears the cost of environmental degradation. At present a lot of the costs, such as by-catch and other impacts on marine ecosystems of damaging fishing, land-based discharges and other activities, are borne disproportionately by New Zealanders as a whole. And coastal communities and Māori – many of whom are advocating for greater involvement in decision making around fisheries and marine protection – are particularly affected by the damage that occurs in their watery backyards in more than just an instrumental sense. Recreational and customary fishers (many of whom rely on the ocean as a source of food, not just an investment or source of income) are similarly affected, not just by the depletion of shared stocks, but also by the damage from mass-harvesting commercial methods in inshore areas. To Māori, this harm has a spiritual or metaphysical component (Joseph et al., 2020, p.49ff).

From an ecological perspective, human activities are damaging. But from an anthropocentric perspective, are they also 'unjust'? And if one accepts that they are, what would a just transition away from that look like? For example, would regulators simply impose a prohibition on certain inshore fishing methods, such as bottom trawling and dredging? Would there instead be investment and government incentives to encourage new gear and less damaging methods? Would there be spatial exclusion of vessels from vulnerable or recovering areas, through marine protected areas? And would that include both commercial and recreational interests? For any of the above, would it be fair to provide 'compensation', or is there just an acceptance that environmental protections are the cost of doing business?

Whether the methods of transitioning away from environmental harm are just or not partly depends on how existing 'rights', 'privileges' and 'interests' in the marine environment are perceived. Commercial fishing is a case in point, given that there are defined rights in quota: they are a form of property interest, not just a regulatory permit. What is the nature of such rights? On paper, they confer a right to take a certain proportion of a fish stock within a total allowable commercial catch; they are an allocative tool designed to apportion rights to one quota holder vis-à-vis another quota holder. But they are not a right to fish per se, in the sense of a right to fish in a particular area or time or using particular methods.[3] Thus, while there may sometimes be industry resistance to sustainability measures being taken beyond the setting of a total allowable catch (e.g., restrictions on fishing methods like bottom trawling), that does not mean it automatically is unfair to do so or an abrogation of the underlying property rights.

That said, does there come a point where environmental restrictions make the exercise of a separate property right untenable, and are therefore a form of regulatory 'taking' for which compensation should be offered? Would it depend on how *long* that restriction lasted (e.g., drastically reducing catch limits to allow a stock to rebuild over a number of years)? Would it depend on whether excluding the exercise of a right from one area (e.g., in a new marine reserve) still left large areas where a right *could* be exercised? Or on whether restrictions were actually in the long-term interests of rights holders (e.g., the potential of protected areas to act as nursery grounds and enhance fish stocks)? And would it make a difference if a restriction affected all quota holders equally, or if it affected only some (e.g., prohibiting methods where there are no reasonable alternatives for catching a particular species, or establishing protected areas in some quota management areas more than others)? This question about compensation for the 'loss' of rights is also related to the question of who should pay for the environmental regulation of a sector. This plays out, for example, in the context of who should pay (or in what share) for the roll-out of cameras on boats, or for fundamental research about the marine environment and ecosystems (beyond just stock assessments).

There are no easy answers to any of these questions. It is arguable, for example, that compensation for the establishment of protected areas would be unfair, as the same effect could be caused by the minister simply reducing the total allowable catch (for which compensation is not payable). It is also interesting to make comparisons with the situation on land, where compensation for or grounds for overturning a decision for public interest land use restrictions are only forthcoming where they render land incapable of reasonable use.[4] That is a high bar, and there are much stronger property rights in land (ownership) than in quota (a right to a proportion of a stock once sustainability measures are taken). That said, the fairness of such a stance is still subject to debate regarding land (e.g., the fairness of compensation when it comes to recognising significant natural areas on private land).[5]

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It does beg the question, however: what makes the marine context different from land, and should the bar for compensation be higher or lower?

It also highlights the risks of creating property rights separate from their broader public interest context. It means that the exercise of a right is not clearly connected to or conditional upon the responsibilities that accompany it, and attempts to add responsibilities later on can therefore be resisted because the market has evolved (prices have been set) in their absence. This is conceptually quite different from where rights to common resources are exercised on land through the RMA (where a decision to allocate a 'right' to use freshwater, for example, is made in tandem with a decision about the acceptability of its impacts on the environment). It is also quite different from coastal occupation rights, where 'rights' (e.g. from a tendering process, where used) give a preferential ability to apply for a coastal permit vis-à-vis others, but do not confer an expectation that the permit will be granted. At least in theory, a person's 'right' might not ever be allowed to be exercised if a permit is not granted. The question therefore is, often, whether it is fair and just to compensate not for the loss of a person's rights, but rather a loss of their expectations. The other side of that coin is whether it is fair for the public to pay to avoid further environmental damage.

Environmental justice in the oceans context is not just about the impacts of fishing. Many other users have an impact on the marine environment, and issues of fairness arise here too. For example, it is arguably unjust that some people in New Zealand cannot use and enjoy their coastal environment (at least without the risk of illness) because of nutrient discharges from land-based activities, chemical contamination from storm water (much of the impacts of which remain unknown), microplastic and other waste, or sewage discharges from public waste water systems. Because of urban growth pressures and historical infrastructure underinvestment in some parts of urban New Zealand, these impacts are not felt evenly across the country.[6]

This begs much deeper questions about how Aotearoa New Zealand transitions towards a new system of infrastructure planning and funding, and associated settings for local government. The government's solution seems to be a slow creep towards centralising waste water functions, injecting large investment into failing pipes and growth infrastructure, and reimagining the place of local government in Aotearoa New Zealand (Department of Internal Affairs, 2021a, 2021b). That involves many more questions about whether such solutions are fair for communities and taxpayers. But the point here is that the clear need for a transition can be justified with reference to what is just. It also emphasises that a transition to a new system needs to be broad and holistic in its scope. Policymakers need to look not only at a new oceans management system in a spatially defined sense (what happens on the sea), but rather at whole-of-resource management reform through an oceans lens. That includes what happens on land (in the spirit of ki uta ki tai – from the mountains to the sea), and beyond just regulatory settings to funding and

incentives needed to support practical action. Associated with all of this are questions about whether indigenous environmental justice requires co-governance arrangements with Māori in managing the oceans, or even the transfer of some powers or control (Joseph at al., 2020). At the least it will require recognition of and engagement with mātauranga Māori – indigenous knowledge and ways of knowing (Parsons and Taylor, 2021).

Intergenerational equity

Whether a transition is just can also be looked at in terms of intergenerational equity. In general terms (there is much more complexity within the concept), this is about maintaining the ability of current people to meet their needs while not compromising the needs of future generations (Weiss, 1989, 1990; Bosselmann, 2008). It tends to be a less prominent principle in discussions about *how* a transition occurs – especially if it is an urgent change that takes place within the lifespan of a single generation[7] – but is central to *whether* a transition occurs and what society is aiming for. Intergenerational equity invites into the system of justice those who are not yet born and, although those alive at the moment cannot claim to speak for their interests, it reflects the idea that current generations cannot deplete our resource base, which will also be needed to support the basic needs of those to come. It keeps their options open.

In particular, intergenerational equity points to the need to actively enhance the marine environment to restore its productive potential where it has been degraded (or where people have benefited from its past degradation), and to set firm environmental limits to prevent (at a very minimum) marine ecosystem collapse. With respect to enhancement, the principle might encourage policymakers to look at activities like regenerative aquaculture (e.g., seaweed farming), which can contribute not only to local ecosystem restoration but also to climate change mitigation, as long as adverse effects are addressed.

But there is always a degree of fuzziness around what intergenerational equity actually means. Questions abound as to what justice between generations amounts to. Should laws provide for just the basic needs of future generations,[8] or should they provide for equality? Do they leave the natural world intact, or seek to pass on the benefits that some forms of development provide (e.g., offshore renewable energy generation)? Will, for example, future generations blame us more for degrading the environment or for failing to develop a resource they could enjoy?

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This has particular resonance when one considers the norms underpinning fisheries legislation. Is it more intergenerationally just to aim to maximise sustainable yield, or do our regulations instead need to reduce the numbers of fish caught – to rebuild the biomass in the short term to make it more resilient to land-based and climate stressors? And does a reformed system need to focus on preventing the impacts of fishing and land-based activities on the environment in order to restore the productive potential of the marine environment and thereby its ability to produce more fish in the future?

Ecological justice

Finally, there is the concept of ecological justice to consider. Some have suggested that traditionally anthropocentric concepts like justice can be useful starting points for a more ecocentric view of the world. This sees the natural world as an actor within, not an object outside, the human community of justice (Taylor, 1986; Stone, 1972; Eckersley, 1992). This view is not entirely new – the existing prohibition on hunting marine mammals is not just because some are threatened, but also because it is seen as 'wrong' to do so. Current laws see dolphins as different or special, and deserving of a kind of justice closer to that which humans enjoy (Severinsen and Peart, 2018, p.58).

But should nature itself be conceived of as a separate entity, with interests or rights that should be separately recognised and defended? Should humans be seen as inherently superior beings, and should similarity to humans (as with dolphins) be the yardstick by which access to justice is measured? Humans could instead be seen as simply part of a complex web of natural relationships that need to be respected, not just users of resources having instrumental value. This is a view of the world that is more consistent with te ao Māori, which sees whakapapa and whanaungatanga (kinship relationships) as being at the heart of environmental management.[9]

As a general principle, ecosystem-based management (an integrated way of thinking with ecosystem dynamics at its heart) is essential to an ecocentric view of justice.[10] Whether something is 'just' for nature cannot be determined without considering nature as a whole and interconnected entity. Nor can justice be sought for particular valued species without looking at how their broader environments support them.

However, the specific objectives flowing from an ecological justice approach are even harder to pin down than an anthropocentric principle like intergenerational equity. What does an ecologically just transition actually involve other than changing the language our laws and regulations use? Do drafters stop defining the oceans as resources in our laws and plans, and instead characterise them as equals, taonga, kin or ancestors? Should there be a rejection of any attempts to 'price' such things, on the basis that natural capital approaches and cost–benefit analyses are morally abhorrent? For

fisheries, should a new system dispense with the principle of maximum sustainable yield, and replace it with environmental limits that reflect the intrinsic worth and inalienable rights of ecosystems of which fish 'stocks' are a part?

Going further, should society build institutions that give the oceans a voice of their own? Can this build on the innovative legal personhood developed as part of the settlement processes for Te Urewera and Te Awa Tupua/Whanganui River (Parsons, Fisher and Crease, 2021), and what would be the challenges in giving the oceans as a whole legal personhood (e.g., through recognition as Tangaroa or Hinemoana, or concepts like te mana o te moana)? Instead of a resource rental going back into the public purse, should we treat that as 'payment' or koha to nature for its services (or compensation for past harm) and invest it in regeneration projects? And should policymakers pause to consider that while hunting dolphins is banned, there is still an allowance by which they can legally be killed as by-catch in trawl fisheries? Would true ecological justice mean that legal frameworks became more normatively consistent, and take a zero-tolerance approach to by-catch, recognising that human respect for nature does not kick in only when species are faced with extinction?

A procedurally just transition

How our laws and institutions transition to a new oceans management system has important procedural elements, alongside the more normatively charged aspects (about who gets or gives up things in the process of getting there). The literature generally refers to this as a distinction between substantive justice and procedural justice (Stanford Encyclopedia of Philosophy, 2017, 2.3). In short, even if an outcome is fair, that does not mean that the process has been. The significance of this has been seen in the case of Rangitāhua (the Kermadec Islands), where the substance of a proposal for protection is arguably less of an issue than the way in which (and by whom) the proposal has been developed and communicated (see, for example, France-Hudson, 2016).

There needs to be a practical pathway from the existing system to a new one, and policymakers will need to think hard about

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how that process is designed. There are several ways in which a transition to a new oceans management system could play out, depending on what the end point would be.

For example, there might be a phased approach to reforms, where immediate opportunities are taken to 'max out' what is possible under existing frameworks. Many tools are under-used (one might think of the absent exclusive economic zone policy statement, the lack of national-level regulations for oceans under the RMA, and the tools that sit dormant under the Fisheries Act), and new ones can be added to fill gaps without radical upheaval. The 'glue' that connects various frameworks could then be improved; at the moment, the system is highly fragmented. Marine spatial planning is a prime candidate for integrating decision making at some level. And while that occurs, the foundations could be set up for deeper change to our institutional and legislative arrangements. Should regional councils continue to manage the coastal marine area? Should central government's responsibilities be arranged differently? What role should independent institutions, such as the courts, boards of inquiry and the Environmental Protection Authority, or an 'Oceans Agency', have in decision making? Should the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 be merged with the RMA (or its replacement),[11] or does reform go even further and create a more integrated Oceans Act?

Some important transitions are already playing out, including for climate change and resource management reform (replacing the Resource Management Act) (Ministry for the Environment, 2021; Ministry for the Environment Review Panel, 2020). That will have some overlap with oceans reform (in the coastal marine area) and provides an opportunity to progress some changes in the short term. For example, policymakers should consider whether and how spatial planning under the proposed Strategic Planning Act should apply to the marine environment.

Irrespective of the specific design choices that are made, big shifts like this raise significant questions about procedural justice. Policymakers will need to think carefully about who is involved in the process (and what the justification is for different degrees or methods of involvement); who makes decisions and who provides the evidence to inform them; how fast things happen; the resourcing behind it (including for tangata whenua and those community voices who do not benefit commercially from the oceans); and how different elements might be staggered and prioritised over a workable time frame. Māori will need to have a partnership role not only in a reformed system (e.g., through co-governance arrangements and independent advice based on mātauranga Māori), but also in the process that leads to its creation.

Conclusion

Whether small-scale or deep-seated, most reform options for oceans are likely to have impacts on existing interests. Change can be hard, and that is arguably even more the case in the marine space than on land, where it has taken longer for assumptions about the status quo

to be questioned. An important part of developing pathways to a new system will therefore be how impacts can be mitigated or managed so that any transition is equitable. That is essential not just for its own sake, but also to ensure that reforms maintain legitimacy and are durable over time.

However, this article has sought to emphasise that all conceptions of what is 'just' – including ecological justice – need to permeate the question of how society transitions, the processes by which it is done, and how fast it happens. Ultimately, change from an intergenerational environmental perspective must come before it is too late. Some damage will take decades to repair, if it can be repaired at all. A just transition should not be delayed so that it becomes an 'only just' transition (or, worse, a 'we didn't quite make it in time' transition).

Above all, what is just in the broader sense of the word needs to guide *what* Aotearoa New Zealand is transitioning to. For the marine area this is by no means settled, and establishing goals can be a complex and multifaceted task compared with the reasonably clear goals that have now emerged with respect to greenhouse gas emissions. In other words, while it is certainly one important factor, a just transition for the oceans is not only about softening impacts on existing rights holders or charting a pathway that eases economic pain. Justice and equity have a much wider resonance than that, given that society is still, despite numerous efforts over the years, in the relatively early stages of a conversation about oceans reform. And it is useful to phrase this conversation in terms of whether specific objectives for reform are 'just' or not, rather than reverting to conversations about general, highly malleable and arguably less powerful principles like sustainability and environmental protection. They have not served us particularly well in the past.

1 Reports will be made available at www.eds.org.nz/our-work/oceans-reform-project/.
2 That argument only applies, however, if the current quota holder was the one who received that allocation. Later quota were auctioned.
3 This is made clear in the Fisheries Act itself, in that the exercise of quota rights is subject to sustainability measures imposed by the minister. It is also subject to measures taken under the Resource Management Act to safeguard indigenous biodiversity, which is made clear by the Court of Appeal in *Attorney-General v The Trustees of the Motiti Rohe Moana Trust & ors* [2019] NZCA 532 [4 November 2019].
4 See Resource Management Act 1991, s85. That is quite different from where there is a desire to use land for a different purpose (or to extinguish a specific existing land use), in which case compensation is forthcoming through Public Works Act processes or on a willing seller/willing buyer basis.
5 See the current debate over proposed significant natural areas in Northland – see Far North District Council, 2021 and Harawira, 2021.
6 On infrastructure failures, underinvestment and its impacts, see Productivity Commission, 2019 and Cabinet Office, 2019.
7 It is relevant, however, where, for example, long-term investments in waste water infrastructure are made using debt finance that is paid back by ratepayers or taxpayers over more than one generation.
8 Compare Resource Management Act 1991, s5(2)(a) (meeting 'the reasonably foreseeable needs' of future generations).
9 See Friends and Community of Ngawha Inc v Minister of Corrections [2002] NZRMA 401 (HC), [2003] NZRMA 272 (CA); Bleakley v Environmental Risk Management Authority [2001] 3 NZLR 213 (HC); Gordon, 2015; Joseph, 2018.
10 On ecosystem-based management, see the variety of papers produced through the Sustainable Seas Science Challenge (www.sustainableseaschallenge.co.nz/). The challenge is rooted in the concept of ecosystem-based management, and it explores this concept through many different lenses (including its relationship with Māori concepts like kaitiakitanga – see www.sustainableseaschallenge.co.nz/our-research/phase-i-20142019-research/tangaroa/).
11 The Natural and Built Environments Act proposed by the government.

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Normal IGPS newsletter service resumes!

The loss of our Administrator, the much-missed David Larsen, has interrupted normal IGPS newsletter service. We apologise for the interruption and wish to assure readers that IGPS work continues unabated!

IGPS staff make a massive long-term contribution to the university via the *Conversation*

The *Conversation* is an open access Australasian platform for academics to make informed contributions to public discussion. Typically, if it is of relevance to New Zealand, a *Conservation* article will be picked-up by either *Stuff* or the *New Zealand Herald* or both. The IGPS has had three staff from the middle of 2018. Our three paid staff make up under 0.3% of total academic staff numbers at Victoria University. Our staff have produced, over the period of their employment, 11% of the total articles in the *Conversation* of Victoria University academic staff and 12% of the total reads of articles (Source: *Conversation* website, as at 12/08/2021).

Michael Fletcher asks some pertinent questions: "Why is the Government trying to push through a two-tier benefit system?"

IGPS senior researcher Michael Fletcher recently wrote a well-read article (over 100,000 reads) for the *Conversation*, picked up by both *Stuff* and the *New Zealand Herald*, considering the policy and process issues surrounding the Government's proposal for social insurance for sickness and unemployment. Michael's article looked at issues surrounding problem definition, suggested that the policy process was not sufficiently engaged with examining alternative solutions, and made the point that social insurance could create, rather than solve, problems with equity in our income support system.

This work will contribute to a longer academic piece on social insurance (to be done together with IGPS Director Simon Chapple), for *Policy Quarterly* later in the year.

So far, Michael's article has been read over 100,000 times. See https://theconversation.com/why-is-new-zealands-labour-government-trying-to-push-through-a-two-tier-benefit-system-165615.

The Hon. David Parker, Minister of Revenue will talk on "Economic equity and the tax system" in a Tax on Tuesdays event organised by Tax Justice Aotearoa and the Institute for Governance and Policy Studies

DATE & TIME: 24 August 2021, 12.30pm – 1.30pm

LOCATION: Old Government Buildings 55 Lambton Quay, Pipitea, Room GBLT4 (Lecture Theatre 4)

Following on from our highly successful 2019 *Tax on Tuesdays* lunchtime seminar series, Tax Justice Aotearoa and the Institute for Governance and Policy Studies will jointly host the Minister of Revenue, Hon. David Parker.

A growing number of civil society organisations consider wealth taxation as an important public policy issue, in terms of both reducing inequalities and expanding government revenue to support the necessary government expenditure to meet wellbeing needs.

In this talk, Minister Parker will discuss equity in society and fairness in the tax system.

Join us in an enriching discussion with the Minister, and let's talk about how we can make the Aotearoa NZ tax system one that helps all people flourish.

Pre-register for this free event by clicking this link: https://events.humanitix.com/tax-on-tuesdays-with-minister-parker, or just come along on the day.

More good work by Mike Joy: "Behind New Zealand's '100% Pure' Image lies a Dirty Truth": Freshwater documentary moves towards one million YouTube views

The Australian Broadcasting Commission documentary on freshwater in New Zealand to which IGPS senior researcher Mike Joy contributed significantly to researching and appeared in, now has had over 914,000 views on YouTube. That's a fantastic achievement of public issues communication from Mike, who has also been talking at the Environmental Defence Society Conference (http://www.edsconference.com/) where he was well-reported in *Stuff* (https://www.stuff.co.nz/environment/climate-news/125962807/pay-farmers-12-billion-to-stop-dairying-ecologist-urges).

Political parties and party funding in the IGPS Trust Survey: School of Government Brown Bag seminar, 2nd August

Simon Chapple presented the interim results of the 2021 IGPS Trust Survey to School of Government colleagues and others, with a focus on the results of the special module on political party funding and operation. These results have already been discussed with and provided to relevant policy makers. The full – and very interesting - results of the survey are currently being written up in depth and will be published by the IGPS in September. Updates on results and publication will come in future newsletters.

To subscribe to the newsletter, send an email to igps@vuw.ac.nz with subject line "subscribe to newsletter".

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