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# Minoritarian Co-governance in Rotorua District Thwarted by Pluralistic Majoritarianism, 2013–23

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## Abstract

Based on qualitative research, including participant observation, this article examines Rotorua Lakes Council's 2013–23 pursuit of 50/50 co-governance with Te Arawa iwi. Despite some Treaty-based support, public opinion leaned towards equal suffrage. Te Tatau o Te Arawa nominees were given places on council subcommittees with voting rights. Concerns over authoritarianism, financial mismanagement, secrecy and homelessness then spurred opposition to 50/50 co-governance. A 2021 local bill for full co-governance was denied over potential Bill of Rights conflicts. The Local Government Commission's determination of proportional representation for Rotorua, using general, Māori and rural wards, highlights New Zealand's struggle to balance majority rule and minority protections. Pluralistic majoritarianism is suggested as a pathway to more inclusive governance in local and central governance.

**Keywords** minoritarianism, majoritarianism, co-governance, Rotorua Lakes Council, Te Arawa, Ngāti Whakaue, Rotorua District Residents and Ratepayers

The research challenge which this article examines was to explain policymaking and implementation regarding local governance. In Hodgkinson's (1983) taxonomy of the policy cycle, policymaking in public administration comprises the philosophical processes of determining purposes and their rightness, the strategic processes for evaluating circumstances and determining options and their consequences, and the political processes for articulating policy and mobilising support and resources. Policy implementation includes the cultural processes of reconstructing organisational norms and services, the management processes for planning and achieving intended change, and the evaluation processes for measuring outcomes against objectives, prior to reviewing outcomes and the primary purposes before beginning the next policy cycle.

Between 2013 and 2023, the author employed various qualitative research methods, including historical analysis, documentary analysis and observational

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techniques, to explore the intricacies of council policymaking through a case study (Creswell and Poth, 2018) of Rotorua Lakes Council's 2013–23 pursuit of co-governance with Te Arawa iwi. Historical analysis entailed an examination of previous events, agreements, policies and institutional developments that influenced the evolution and culture of local governance (Yin, 2016). Documentary analysis involved a systematic review of pertinent documents, such as meeting minutes, journalistic reports, strategic assessments and policy papers (Bowen, 2009).

Additionally, observational techniques provided an opportunity for the researcher to gain contextual richness by closely monitoring policymaking processes in authentic settings (Yin, 2017). As a participant observer, the author actively contributed to the phenomena under investigation, thereby capturing nuanced insights into the organisational dynamics and decision-making mechanisms at play (Spradley, 2016).

Serving as a founding member and leader of both the Rotorua Pro-Democracy Society and the Rotorua District Residents and Ratepayers Association (RDRR), the author was strategically positioned to clarify insider perspectives. His tenure as an elected member of the Rotorua Lakes Council from 2019 to 2022 deepened his comprehension of the political landscape and leadership dynamics (DeWalt and DeWalt, 2011). This dual role as both researcher and practitioner enabled a more immersive and reflective analysis of the changing context.

While participant observation is instrumental in providing valuable insider insights, it may also introduce subjectivity due to the researcher's active engagement in the studied phenomena (DeWalt and DeWalt, 2011). To counteract potential biases associated with this role, the author employed triangulation (Denzin, 2012; Patton, 2015), reflexivity (Finlay, 2002; Berger, 2015) and peer debriefing (Lincoln and Guba, 1985). These approaches and techniques enhance the rigour and validity of the findings by incorporating multiple perspectives and acknowledging and controlling for the researcher's biases, ultimately leading to a more balanced and objective analysis of the data.

#### The practical context: a contested surge of minoritarianism in Rotorua

Minoritarianism is defined as a political ideology or system in which political power and decision making are disproportionately held by a minority group, as opposed to being representative of the majority (Dahl, 1989; Lijphart, 1999).

According to the 2018 New Zealand census, approximately 42% of the population in the Rotorua district identified as Māori, though this figure includes those below voting age (Statistics New Zealand, 2018a). Regarding the Māori electoral roll, about 28% of eligible voters in the Rotorua electorate chose to be on

to the council more broadly, elevated the court's decision from hapū (tribal) to iwi (confederation) level, and was claimed by senior officials and the iwi to make iwi participation in council decision making compulsory. Justice Smith's ruling did not prescribe any specific policymaking model or co-governance arrangements.

In a second significant event, in early 2014, the newly elected mayor and her majority on council quickly adopted Rotorua Lakes Council as the operational name of the council and renamed Rotorua's civic centre after a Ngāti Whakaue celebrity. They translated their electoral mandate into a vision statement, 'Rotorua 2030:

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the Māori roll for the October 2022 local elections, with a decrease to around 22% for the 2023 general election (Statistics New Zealand, 2018b, 2023).

Several significant events provide the context for this analysis. First, in the Environment Court's ruling in *Ngāti Pikiao Environmental Society Incorporated v Bay of Plenty Regional Council* (2013), Justice J.A. Smith ruled that Rotorua District Council officials had failed to notify and consult stakeholders who would likely be affected by a proposed waste water reticulation and treatment system. He cited the Local Government Act 2002, which defines notification and consultation as mandatory for effective decision making (Local Government Commission, 2022). Council officials were reprimanded for this and other instances of inappropriate policymaking.

However, a council report (Rotorua Lakes Council, 2014b) subsequently claimed that the court had instructed the council to enhance iwi consultation and involvement. This diffused and shifted accountability for the failings of officials

tatau tatau, we together' (Rotorua Lakes Council, 2014a), reflecting Te Arawa leaders' world view (often generalised as te ao Māori). However, the third of six commitments for achieving this vision, the creation of 'a new partnership model with Te Arawa', uniquely lacked an electoral mandate.

Third, the council presented 2014 as a year of 'policy development' (ibid.). In January the mayor established the Te Arawa partnership and people (youth, families, and older persons) portfolio, led by a political ally, to coordinate governance policy development with the Te Arawa Standing Committee, who only consulted with Te Arawa stakeholders (hapū, land trusts and other entities). The processes muddled policymaking and policy implementation.

In February 2014, a cultural engagement audit – commissioned by the incoming council in 2013 – was redirected by the mayor to draft options for a Te Arawa partnership model. The subsequent and confidential Hovell report (Hovell, 2014) proposed a Māori Advisory Board

independent of the council that was to be representative of Te Arawa entities. The Te Arawa Standing Committee was then deemed 'no longer fit for purpose', allegedly due to the council's statutory roles under the Resource Management Act 1991 and the Local Government Act 2002. The Māori Advisory Board was renamed Te Tatau o Te Arawa and given roles that raised it from having policy advisory to policymaking functions. The Hovell report did not provide details on how Treaty of Waitangi 'mandates' were to be reconciled with the legal rights of citizens to democratic

consultation before the council made decisions.

The sponsors of the Hovell report on council and the Te Arawa Standing Committee convened a Te Arawa hui-a-iwi at Te Papa-iouru Marae, Ōhinemutu, on 25 May 2014. It was resolved that standing committee members, led by Arapeta Tahana, would consult Te Arawa marae to refine the model and seek its endorsement before presenting it to Rotorua Lakes Council later that year. Between mid-September and early December 2014 they consulted about 300 people across nine Te

stakeholders; advocating for Te Arawa interests; enabling Te Arawa to 'own the agenda and pathway'; and allocating budgets to support those engaged in the project (ibid., p.24).

Elected members of council voted in favour of the model, pending the outcomes of a special consultative procedure. This violated the consultation and authorisation process required by the Local Government Commission (2022) and raised concerns about predetermination and the absence of public notification and stakeholder consultations. Residents and ratepayers initially lacked the information and organisation they needed to question the partnership model and its implementation by the Te Arawa partnership plan. The Rotorua Pro-Democracy Society was established in January 2015 and used three methods to question governance policymaking.

First, a leading New Zealand expert in administrative law, Andrew Butler, was consulted and advised that the Te Arawa partnership model was illegal because it 'constrains the RDC's powers to appoint committees in a manner inconsistent with the LGA's provisions', and enables the council to 'abdicate its discretionary power' and to take 'irrelevant considerations into account' when appointing committees. Moreover, he said, the Treaty of Waitangi is 'not expressly incorporated in either the LGA or the RMA, ... provisions relate to consultation and not partnership', and provisions 'refer to contributions to decision-making and not to decision-making power'. While the Te Arawa partnership model 'focuses on one iwi' and 'the need to improve iwi consultation', it does 'not give the RDC the authority to operate beyond its mandate as defined in the LGA and RMA'. Finally, he argued, 'the concept of democratic local governance is integral to the LGA's expressed purposes', which 'encompasses principles of accountability, transparency, proportionate representation of all communities, including future interests' (Butler, 2015).

Second, Butler's advice was set aside by the majority on council and officials in favour of the advice that they had received from a local legal firm and the 'agreed themes'. Since the society lacked the financial capacity to mount a judicial

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decision making. It also lacked explanations of how the examples cited illustrated principles of good governance or justified co-governance as an extension of Māori consultation as required by the Resource Management and Local Government acts.

The leaking of the Hovell report ignited polarised responses in the Rotorua community. Supporters cited the mayor's previous personal commitment to a co-governance partnership between the council and Te Arawa, referenced historical contributions by Ngāti Whakaue and Te Arawa and evoked Māori sovereignty under the Treaty as justifications. Critics, however, rejected the idea of granting political power to nominees not elected by all voters in the district, challenged the mayor's electoral mandate to introduce aspects of co-governance with disproportionate decision-making power for a minority, and argued that the process did not respect the public's democratic rights, particularly the requirements for notification and authentic

Arawa marae, with logistical support from the Te Arawa partnership unit of council. No public consultations were offered by the council during this period; nor were there any press releases from Te Arawa.

Elected council members were briefed confidentially by the Te Arawa Standing Committee on 18 December 2014, just before the Tahana report (Tahana, 2014) was presented for discussion at the council meeting, with immediate endorsement sought. A council official explained that the 'agreed themes for an improved model' (Gaston, 2014, p.3) had been negotiated by the mayor, three Te Arawa-affiliated councillors and the Te Arawa Standing Committee. The 'agreed themes' were about implementing the Te Arawa partnership model using a partial co-governance model, with eight goals: clarifying purposes and functions; strengthening the partnership with the council; affirming iwi/hapū rangatiratanga (chieftainship); connecting with

review, it decided not to expose ratepayers to even more spending by council on legal advice and turned to political methods to challenge the mindset and power of the current majority on council.

Third, the society offered a practical alternative to the Te Arawa partnership plan being promoted by the mayor, the majority of councillors and senior officials. In February 2015, when the council approved a statement of proposal for a special consultative procedure, by a vote of eight to five, the society posted substantial legal and procedural criticism of both the statement of proposal and special consultative procedure on its website, mounted a media campaign, and proposed a democratic governance model. The society's proposals were ignored.

Further, the mayor rejected the society's role as a 'loyal opposition': that is, offering constructive criticism of the council's policies and actions while remaining loyal to the interests of residents and ratepayers. The society also questioned the autocratic approach involved, pointing out that dissent and debate are essential to a healthy democracy, as is holding the mayor's 'power bloc' of elected loyalists and senior officials publicly accountable. The concept of 'power blocs' refers to coalitions formed among political parties, interest groups or influential individuals who collaborate to influence policy or electoral outcomes.

The Rotorua Pro-Democracy Society also noted that leadership appointments on council with commensurate salaries were in the gift of the mayor. Appointees who joined the society were dismissed and criticism ignored, deepening factional divisions. All proposed improvements to the statement of proposal and special consultative procedure and to democratise the Te Arawa partnership plan using a democratic governance model were deflected. Information published by officials openly promoted the partnership plan option. The 'information sessions' led by senior officials and Te Arawa activists were supervised by the lead of the Te Arawa partnership and people portfolio.

Gaslighting increasingly became the norm, with society members accused of racism and divisive behaviour by the power bloc supporting the partnership plan. Society members who were also councillors

faced calls to abstain from voting or to resign. Councillors who questioned the plan were accused by those who supported it of having predetermined positions and of disrespecting alleged obligations related to the Treaty and the Fenton Agreement (see below).

Lawfare became evident at an extraordinary council meeting on 17 February 2015 when the chief executive warned councillors to keep an open mind to avoid accusations of predetermination. Critics saw his warning as explicitly targeting those opposed to the partnership plan and accused him of stifling free speech.

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His intervention generated public outrage about the abuse of power; there were questions about the propriety of his involvement and calls for a politically neutral public service. The society explained these 'political games' on its Facebook page and urged citizens to defend democracy by writing submissions and letters to the editor of the *Rotorua Daily Post*.

When the Te Arawa partnership plan was provisionally adopted by eight votes to five on 26 May 2015, it was realised by members of the society that minoritarianism and co-governance had to be either accepted or more actively resisted. They decided to reorganise as the Rotorua District Residents and Ratepayers association, with four purposes: to restore democracy; to restore law and order; to restore financial prudence; and to restore policymaking power (to elected members). By the time of its inaugural meeting on 25 September 2015, the Rotorua District Residents and Ratepayers had negotiated a constitution and rules, with criteria for the endorsement of candidates. It then

registered as an incorporated society. It raised funds, endorsed candidates and campaigned in support of its four purposes during the triennial elections held in October 2016, 2019 and 2022.

Hence, between 2016 and 2019, a series of confrontations between the Rotorua District Residents and Ratepayers and the council led to legal actions over electoral irregularities (Holland, 2016; Macpherson, 2018), appeals to the Office of the Ombudsman over secrecy that were eventually upheld (Office of the Ombudsman, 2023), challenges to major and debt-funded development projects

(e.g., Rotorua District Residents and Ratepayers, 2018), and over the growth of a homelessness 'industry' in the wake of the Covid-19 pandemic which saw crime flourish to unprecedented levels and the council refusing to adjust its financial strategy. Thirteen code of conduct complaints against the author were accepted by the mayor from the chief executive, senior officials and political affiliates, and resulted in bans from two key subcommittees (Desmarais, 2022a) and the Free Speech Union complaining to the auditor-general (Free Speech Union, 2022). In the association's view, the mayor's authoritarian leadership style and ideological biases prevented constructive dialogue and pragmatic decision making within the council. The confrontations between the association and the council underscored the need for greater transparency, accountability and responsiveness in local governance.

Co-governance took centre stage again in 2021–22 during Rotorua's representation review. The first model proposed by Rotorua Lakes Council for public



consultation comprised four seats for a general ward, two seats for a Māori ward and four seats at large. This ‘mixed model’ (Desmarais, 2021a) attempted to blend co-governance and democratic values. The disproportionate number of seats allocated to those on the Māori roll arguably offended the principle of equal suffrage and ignited fierce debates. While some members saw the introduction of a Māori ward as a step towards apartheid, Rotorua District Residents and Ratepayers overall supported its adoption as respecting the right to freedom of association, but rejected the proposed allocation of seats as disproportionate to electoral populations.

The author’s attempts to address the

barred from asking questions of submitters under the guise of preventing conflicts of interest. Some submitters called for a one-seat rural ward. Most presenters denounced the council’s four, two, four model as undemocratic and potentially illegal, with the notable exception of representatives from Ngāti Whakaue, the largest hapū within Te Arawa and members of the mayor’s power bloc. Despite clear warnings that the model violated the principle of equal suffrage, the advocates of 50/50 co-governance remained steadfast in their belief that the Treaty and the Fenton Agreement validated the morality and legality of their proposal (Desmarais, 2021b).

Subsequent council meetings were

eliminated binding polls previously required for establishing Māori wards, which allowed the general voting population to veto their creation if five per cent of voters requested a poll. This mechanism had limited the ability of councils to advance Māori representation unless it was broadly supported by the general electorate, which was often not the case.

Given the more favourable legislative environment, even though Rotorua already had a Māori ward in place for the 2022 local elections, the council advanced a local bill that sought to establish equal representation between Māori and non-Māori in local governance. The rationale, however, relied on the simplistic dualism of *te ao Māori* versus *te ao Pākehā* to frame representation in absolute and opposing cultural terms (see Webster and Cheyne, 2017). It failed to recognise the subtleties and intersections between the two poles and overlooked the fluidity, diversity and intersectionality within these identities in a community famous for its *manaakitanga* (hospitality) and easy interculturalism. The general election in October 2023 gave the incoming National–ACT–New Zealand First coalition government a mandate to restore the veto mechanism.

When the Rotorua Lakes Council’s local bill proposing a full co-governance model (three general, three Māori, four at large) was introduced in Parliament, advocates highlighted its alignment with the Treaty of Waitangi and the Fenton Agreement. However, its critics argued that the model violated fundamental democratic principles and was not needed. Although the bill passed its first reading, it faced scrutiny at the Māori Affairs Committee, chaired by a Labour list MP from Rotorua.

In response, groups such as the Rotorua District Residents and Ratepayers and other stakeholders appealed Rotorua Lakes Council’s decisions and actions to the Local Government Commission. At the Local Government Commission hearings in March 2022, proponents of a seven general ward, three Māori ward model criticised the interim co-governance model and the local bill. They argued that the processes lacked adequate consultation and raised concerns about the anti-democratic nature of co-governance, which they believed

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fundamental clash of governance values at a crucial council meeting on 31 August 2021 were thwarted by constant interruptions permitted by the mayor. These tactics prevented a clarification of the advantages and risks associated with the proposed degree of co-governance. When the author walked out in protest, another councillor, who was subsequently elected mayor on 8 October 2022, attacked the disregard for democratic processes. Nevertheless, when the proposed Te Arawa partnership model model for consultation was adopted by seven votes to four, it was greeted with a triumphant haka from the predominantly Māori audience.

The suppression of dissent continued at the public hearings on 18 October 2021. A senior representative from Te Tatau o Te Arawa, and the author, as Rotorua District Residents and Ratepayers chairman, were

marred by procedural manipulation and legal manoeuvring (Desmarais, 2022a). When an interim one general, one Māori, eight at large, and openly co-governance model was then proposed by the mayor, it triggered outrage from Te Tatau o Te Arawa, who insisted that voters in the Māori ward were due three seats out of ten. Its adoption, through the mayor’s casting vote, confirmed that the mayor’s power bloc had pursued a 50/50 co-governance outcome against the advice and preferences of all other interest groups.

In response to the passage of the Electoral (Māori Electoral Option) Act 2022, Rotorua Lakes Council authorised its chief executive to submit a proposal for a local bill advocating a 50/50 co-governance model, comprising three Māori ward councillors, three general ward councillors and four at-large councillors. The 2022 Act

could have a negative impact on broader representation.

Ultimately, the Local Government Commission determined a new three Māori, six general, one rural ward model for Rotorua. This model was aligned with democratic principles, commission guidelines, and the preferences of groups such as Te Tatau o Te Arawa and rural lobbyists and with Rotorua District Residents and Ratepayers' original proposal. The final blow to the co-governance proposal came when the attorney-general ruled that the local bill would breach the Bill of Rights Act 1990 by discriminating against voters on the general roll. This ruling, along with the Local Government Commission's decision, marked the end of Rotorua Lakes Council's push for co-governance, symbolising what appeared to be a triumph for democratic and pluralistic majoritarianism over minoritarianism.

#### The central policy context of co-governance and democracy

Democracy Action defines co-governance as

an emerging and developing model of decision-making in New Zealand. The term refers to a shared governance arrangement – with representatives of iwi on one side, and representatives of central and/or local government on the other, each side having equal voting rights at the decision-making table. (Democracy Action, 2023)

As highlighted in the previous discussion, many of the 28% minority of the voting population who are on the Māori roll in the Rotorua district believe they are entitled to co-governance, commonly citing both the Treaty of Waitangi and the Fenton Agreement as justifications. It was also clear that members of Te Tatau o Te Arawa elected from Te Arawa felt entitled to equal suffrage. The legal and political basis for such claims is complex and contested.

The English draft of the Treaty of Waitangi aimed to transfer the governance authority of around 540 Māori chiefs to Queen Victoria. However, the authoritative Māori version, te Tiriti o Waitangi, signed by most chiefs, guaranteed them tino

rangatiratanga – a term encompassing sovereignty, self-determination and autonomy – in perpetuity. While the obligations implied by the Treaty have been politically contested, neither version of the Treaty explicitly mentions co-governance. Sovereignty is now vested in the New Zealand Parliament, allowing successive governments to take differing stances on co-governance (Orange, 2013).

The Fenton Agreement of 1880, specific to Rotorua, was another pivotal historical document, albeit unrelated to co-governance. The agreement sought to establish a township, preserving Crown access to Rotorua's thermal resources while allowing Māori landowners – primarily

participation reflects Māori engagement in governance, and protection underscores the Crown's duty to safeguard Māori rights, including cultural and land-related rights (Orange, 2013; O'Malley, 2014).

Nonetheless, while Carwyn Jones identifies key features of co-governance between Māori and the Crown, highlighting the benefits of shared decision-making frameworks that respect Māori rights and promote effective governance by integrating Māori perspectives (Jones, 2023), co-governance remains legally ambiguous. While some argue that it aligns with the Treaty's principles, others contend that co-governance is not explicitly mandated by law, leaving its application

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hapū of Te Arawa iwi (Ngāti Whakaue, Ngāti Rangiwewehi and Ngāti Uenukuk pako) – to benefit economically without relinquishing land ownership. The agreement, based on a 99-year lease system, did not address co-governance (Manley, 2017).

The contemporary belief in co-governance rights among Māori voters stems from historical interpretations of the Treaty of Waitangi, particularly through the lens of the Waitangi Tribunal. Established in 1975, the Tribunal has played a central role in interpreting the Treaty, giving rise to the principles of partnership, participation and protection. These principles have framed co-governance discussions, especially in areas like natural resource management, exemplified by the co-governance model for the Waikato River. Partnership emphasises collaborative decision making between the Crown and Māori,

subject to ongoing political negotiation (Hayward, 2020; Williams, 2021). In sharp contrast, there is no ambiguity about the purpose of the Local Government Act (s3) 'to provide for democratic and effective local government that recognises the diversity of New Zealand communities'.

Definitions of democratic governance tend to stress key principles such as popular sovereignty, political equality, accountability, and equal suffrage, with some variations. For example, in *Democracy and its Critics* (1989), Dahl characterises democracy as requiring active citizen participation and political equality through effective institutions. He outlines democracy's core principles, emphasising that all citizens should have an equal and genuine opportunity to participate in decision-making processes, a fair voting system, and freedom of expression and association. He sees democracy as a 'polyarchy', where the system includes not only citizen

participation but also other institutions, such as elected officials, inclusive suffrage and access to alternative information sources, ensuring political equality.

Tocqueville (1835–40) presents democracy as a system where political power is derived from the populace, with authority ultimately resting in the hands of the people through mechanisms like voting and civic engagement. This approach emphasises the significance of equality and individual liberty within democratic frameworks. Dewey (1916) sees democracy as not merely a form of government but a way of life, where active participation and deliberation among citizens are central. This interpretation

the Local Government Commission (Local Government Commission, 2024). This is to assess and adjust the electoral representation policy for each district to reflect population changes. It includes assessing the number of councillors and their electoral divisions, and ensuring fair representation for all areas and constituencies within each district.

Co-governance structures in New Zealand have emerged as a significant mechanism to acknowledge the implications of the Treaty and to embed Māori partnerships in decision-making processes. These arrangements reflect the evolving nature of the Crown–Māori relationship, seeking to recognise Māori

Tūhoe and the Crown (Te Urewera Act 2014).

Similarly, the Whanganui River settlement of 2017, which recognised the river as Te Awa Tupua and a legal entity with its own rights, further illustrates the co-governance model. Governance of the river is shared between the Crown and Whanganui iwi, with both parties acting as stewards of its well-being (Ruru, 2018). This model aligns with Māori conceptions of the environment, where natural entities are regarded as living beings deserving of respect and care (Charpleix, 2018). Ngai Tahu's co-management of conservation areas in the South Island, including national parks and fisheries, is another example of how Treaty settlements have facilitated co-governance frameworks (Te Rūnanga o Ngai Tahu, 2020).

Co-governance also plays a crucial role in local government, particularly through advisory committees and formalised co-management structures. Three examples follow. The Bay of Plenty Regional Council's komiti Māori, an advisory group, helps guide regional governance decisions by incorporating Māori perspectives (Bay of Plenty Regional Council, 2020). The Independent Māori Statutory Board within Auckland Council plays a pivotal role in advancing Māori viewpoints in planning and governance throughout the Auckland region (Auckland Council, 2020). The regional planning committee of Hawke's Bay Regional Council (Hawke's Bay Regional Council, n.d.) provides equal decision-making authority between council members and local Māori representatives. This partnership focuses on resource management and regional planning, includes Māori perspectives in policy decisions, and aims to foster collaboration that respects Māori values while supporting sustainable regional development.

Co-governance models have also been established in the health and social services sectors. A prominent example is Whānau Ora, a Māori-led initiative that empowers Māori communities to govern and design health and social services that align with their cultural needs and priorities (Boulton, Simonsen and Walker, 2013). The 2020 Health and Disability System Review recommended the establishment of a

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underscores the importance of a community-oriented approach to governance, fostering democratic engagement beyond formal political processes.

The concept of equal suffrage, often expressed by the slogan 'one person, one vote, one value', meaning votes of equal value, is commonly regarded as integral to democratic governance (Smith, 2006). Equal suffrage ensures that all eligible citizens have the same right and the same opportunity to vote and also that their votes are given the same electoral weight, which are essential for political equality and proportional representation. By guaranteeing that every vote is counted equally, equal suffrage helps to uphold the democratic principles of fairness and inclusivity, ensuring that all voices are heard fairly in the electoral process. There are many exceptions internationally intended to achieve other purposes.

All districts in New Zealand are required to conduct a representation review as part of the regular six-year cycle mandated by

rights and interests in various sectors, such as natural resource management, local governance and health services. Different models of co-governance have developed, often shaped by Treaty settlements, legal precedents and government reforms.

One of the primary models of co-governance is rooted in Treaty settlements between the Crown and Māori iwi. These settlements frequently include provisions for the co-management of natural resources and the restoration of Māori authority over land and water. A notable example is the Waikato River Authority, established as part of the Waikato-Tainui settlement, which operates under a 50/50 partnership between iwi and the Crown. This co-governance model underscores both parties' responsibility for the health and well-being of the Waikato River (Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010). Another significant case is the settlement with Tūhoe, which granted legal personhood to Te Urewera (formerly a national park), facilitating joint governance between



Māori Health Authority to formalise co-governance in the health sector and ensure that Māori perspectives are central to decision making (Health and Disability System Review, 2020).

Despite these developments, co-governance in New Zealand faces several challenges. One major limitation is the ongoing legal and constitutional ambiguity surrounding the Treaty's place in New Zealand's legal framework. While the Treaty is increasingly recognised as a foundational document for co-governance, it is not fully entrenched in law, meaning that its obligations are subject to changing political and legal interpretations (Williams, 2021). This uncertainty can limit the enforceability of co-governance agreements and result in disparities in the protection of Māori rights across different contexts.

Another significant challenge is the power imbalance between Māori and the Crown as a major funder and regulator. Although co-governance aims to foster equal partnerships, the Crown often retains significant control, particularly in areas where state institutions dominate decision-making processes. For example, in natural resource management, co-governance bodies frequently operate within legislative frameworks where the Crown has the final say, thereby reducing Māori partners to advisory roles rather than equal decision makers (Jones and Jenkins, 2017).

Economic and resource constraints also pose barriers to the effectiveness of co-governance. Many Māori iwi and hapū involved in co-governance lack the financial and administrative capacity to engage on an equal footing with Crown partners. While Treaty settlements provide some compensation, they are often insufficient to redress the historical loss of land and resources (Palmer, 2008, 2018). Moreover, co-governance bodies often rely on Crown funding, which can create a dependency that undermines Māori autonomy.

Cultural challenges further complicate co-governance. Although many models incorporate Māori and iwi world views and tikanga (customary practices), these values are not always fully integrated into decision-making processes. Instead, mainstream governance frameworks often prioritise Western legal and administrative norms, which can marginalise Māori

perspectives and reduce the potential effectiveness of co-governance (Charpleix, 2018).

Finally, political and bureaucratic factors present ongoing obstacles. Changes in government leadership and policy priorities can disrupt long-term co-governance agreements, while bureaucratic inertia can slow the implementation of co-governance frameworks (Palmer, 2018). For instance, the National–ACT–New Zealand First coalition government elected in October 2023 has initiated a comprehensive review of legislation referencing the 'principles of the Treaty of Waitangi', aiming to either replace or repeal those references, except where they relate

### The theoretical context of local governance policymaking

Majoritarianism is an ideology that asserts that political decisions should be guided by the preferences of the majority and serves as a key criterion for democratic governance. It is based on the idea that the majority, whether in an electorate or within legislative bodies, holds the most legitimate source of political authority. In majoritarian systems, majority rule is seen as the best method for ensuring that government actions reflect the will of the largest segment of the population (Arneson, 2003). It is manifested through majority voting in elections and legislative decisions.

... majoritarianism can lead to the exclusion or marginalisation of minority groups, particularly if there are no institutional mechanisms to protect minority rights or facilitate multiple forms of engagement ... or to prevent authoritarianism ...

to finalised Treaty settlements (Walters, 2024). The proposal also introduces the possibility of a referendum on the Treaty Treaty Principles Bill (2024), although this is not guaranteed. Such reforms could reshape the legal and constitutional status of the Treaty significantly (RNZ, 2024; *Jurist News*, 2024) and future co-governance arrangements.

To conclude this section, co-governance in New Zealand can be seen as an attempt to better reconcile Māori rights and values with the democratic purposes, structures and processes of central and local governance. However, the processes have been hindered by legal uncertainties, power imbalances, economic constraints, and cultural and political challenges. Addressing these limitations will require stronger legal frameworks, better resource allocation, and greater clarity around commitments to integrating Māori knowledge into governance.

However, critics point out that majoritarianism can lead to the exclusion or marginalisation of minority groups, particularly if there are no institutional mechanisms to protect minority rights or facilitate multiple forms of engagement (Lijphart, 1999) or to prevent authoritarianism (Mounk, 2018). While majoritarianism emphasises majority rule, it may conflict with pluralist approaches, which aim for broader inclusion of diverse groups in decision making.

There are potential solutions. Lijphart (1969) introduced the concept of 'consociational democracy' as a framework for power sharing in deeply divided societies, emphasising measures like grand coalition, mutual veto, proportionality and segmental autonomy to foster stability. The 1998 Good Friday Agreement established a consociational model of power sharing in Northern Ireland that includes cross-community governance, proportionality



through the single transferable vote system, cultural equality, and special voting mechanisms that provide veto rights for minority groups. Key executive roles are shared equally between unionist and nationalist leaders, ensuring balanced representation and decision making across community lines, aimed at fostering cross-community collaboration and reducing conflict (Northern Ireland Assembly, n.d.).

Unlike majoritarianism, which is premised on the will of the majority, minoritarianism operates under the assumption that certain minority groups, whether defined by wealth, ancestry, expertise or social status, are more suited to govern due to their perceived superior

Minoritarianism is typically reinforced through various mechanisms that centralise power in the hands of elites. One such mechanism is elite governance, where political authority is concentrated within a small group of influential individuals (Arneson, 2003). Another mechanism is the use of restrictive electoral systems that limit broader participation or disproportionately empower minority groups. This can include gerrymandering, or the establishment of legislative structures that grant certain minority groups greater influence than their numbers would suggest under conditions of equal suffrage. Additionally, minoritarianism often manifests through

authoritarian regimes, where a small group consolidates power at the expense of democratic institutions (ibid.; Lijphart, 1999).

Issacharoff and Pildes' review of majoritarianism and minoritarianism in United States law around democracy (Issacharoff and Pildes, 2023) examines the inherent tensions between majority rule and the protection of minority rights in democratic governance. They recommend reforms in democratic institutions, particularly in electoral processes, to ensure that minority groups are not systematically marginalised. They emphasise the need for structural safeguards, such as independent courts and proportional representation, to prevent majoritarian excesses. They also advocate for clearer standards in judicial review to address the evolving challenges posed by democratic instability and electoral manipulation.

An historical study of minoritarianism in the United States (Levitsky and Ziblatt, 2023) confirmed these trends and found that minority politicians tend to use four main methods to distort or subvert the purposes for which laws had been written:

- exploiting gaps or ambiguities in the law and violating norms to deny the spirit of legislation;
- making excessive or undue use of the law or rules;
- selective enforcement of the law or rules;
- lawfare – that is, weaponising the law by using litigation, legal threats or regulatory actions to gain an advantage, suppress opposition or undermine adversaries, typically through narrative management, gaslighting and manipulating meeting procedures.

The cumulative effect of such methods can be to tilt the political landscape in favour of minoritarian incumbents in power. For example, Levitsky and Ziblatt trace the formation of anti-democratic alliances to a shared and outsized fear of losing power that turns incumbents, activists and parties against democracy, most especially in times of far-reaching change when social status is put at risk.

In Canada, Kymlicka has called for greater minority rights in democracies, particularly by using a theory of 'liberal multiculturalism'. He argues that

## The policy outcomes in minoritarian systems also tend to reflect the interests of the ruling minority, often exacerbating economic and social inequalities and contributing to a sense of injustice among the majority.

knowledge, skills or resources. This ideology often surfaces in oligarchic, tribal, technocratic or elite-driven systems where a select few dominate governance (Dahl, 1956).

The core assumption of minoritarianism, the belief in the supremacy of a minority – that certain groups possess specialised knowledge, entitlements, skills or resources that equip them to make better political decisions in the interest of society as a whole – is often coupled with a belief in the inefficiency of majority rule, suggesting that the broader population may lack the necessary understanding or competence to engage in effective governance. Consequently, minoritarianism is frequently justified as a means to preserve stability, conventions and order, with the belief that entrusting governance to a small, capable elite can prevent the disorder or chaos that might result from mass decision making (Lijphart, 1999).

lobbying and other forms of elite influence, where powerful interest groups or corporations disproportionately shape policy decisions to reflect their interests (Winters, 2011).

Despite its claims to efficiency and stability, minoritarianism poses significant risks to democratic governance. By concentrating power in the hands of a minority, it erodes the principle of political equality, marginalising the voices of the majority and undermining democratic legitimacy. This can lead to the disenfranchisement of the broader populace, as citizens may feel their participation in political processes is ineffective or undervalued. The policy outcomes in minoritarian systems also tend to reflect the interests of the ruling minority, often exacerbating economic and social inequalities and contributing to a sense of injustice among the majority. Over time, unchecked minoritarianism can facilitate the emergence of oligarchic or

traditional liberal democracies, which emphasise individual rights and majority rule, often fail to protect cultural minorities. He advocates for group-differentiated rights to ensure the cultural survival and political autonomy of minorities, such as indigenous peoples, alongside the rights of the majority (Kymlicka, 1995). He asserts that accommodating minority group rights by institutionalising minority protections is essential for democratic legitimacy in diverse societies, bridging liberalism and multiculturalism (Kymlicka, 2001). Parekh (2006) noted that multicultural majoritarianism can be limited to reconciling the tensions between majoritarian governance and the need for multicultural recognition without necessarily catering for political pluralism.

Barry (2002) counters Kymlicka's theory of multiculturalism, arguing that group-differentiated rights for cultural minorities conflict with liberalism's core principles of individual rights and equality. He asserts that liberalism should prioritise universal equality before the law, without granting special rights based on cultural identity, as this could lead to unequal treatment and undermine social cohesion. He concludes that the state should remain neutral regarding cultural practices, allowing individuals the freedom to assimilate or pursue their own choices without state intervention. Barry's critique emphasises the risk of multicultural policies entrenching cultural divisions and thereby hindering equal citizenship, a key condition of democracy.

#### Discussion

The political philosophies underpinning the events in Rotorua district reflect key tensions between minority and majority rule, legal principles and pluralism. Minoritarianism is evident in the growing influence of Te Arawa representatives within the decision-making processes, challenging traditional democratic norms. Majoritarianism is seen in opposition groups' emphasis on equal suffrage and democratic accountability, particularly in response to perceived imbalances.

The debates highlight the complexity of managing diverse identities and affiliations in governance. Stakeholders' interests, however, extend beyond simple

Māori and non-Māori categories, as individuals often identify with multiple communities, values and interests. This heterogeneity introduces competing perspectives within the governance models, reflecting a broader challenge in accommodating a society where affiliations are layered and pluralistic. Recognising this multiplicity requires more nuanced governance approaches that can adapt to the varied, overlapping loyalties and needs that characterise modern citizenship. Further, legal interpretations played a critical role, with rulings prioritising democratic principles over co-governance structures.

legislative references to the principles of the Treaty of Waitangi, except those relating to finalised Treaty settlements, could lead to a reversion to constitutional majoritarianism and some minimalism in Treaty obligations. This shift could diminish the institutional role of bicultural co-governance frameworks by reducing or eliminating Treaty-based partnership principles in law. The implications may involve a rolling back of Māori decision-making rights in governance, weakening biculturalism and amplifying tensions between Treaty-based rights and universal democratic principles such as equal suffrage and liberal individualism. On the

## The 2023 National–ACT–New Zealand First coalition's decision to review all legislative references to the principles of the Treaty of Waitangi, except those relating to finalised Treaty settlements, could lead to a reversion to constitutional majoritarianism and some minimalism in Treaty obligations.

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The political philosophies evident in the development of co-governance models at the central level in New Zealand reflect tensions between biculturalism, legal pluralism and liberal democracy. Co-governance, rooted in Treaty of Waitangi principles variously proposed by judges and the Waitangi Tribunal but yet to be legislated, for example stressing partnership, participation and protection, seeks to integrate Māori sovereignty (tino rangatiratanga) with Crown sovereignty. This bicultural approach emphasises shared governance over resources and public services, but often conflicts with majoritarianism and the liberal democratic ideal of equal suffrage. Ongoing debates highlight power imbalances, legal ambiguity, and evolving interpretations of the Treaty's role in governance structures.

The 2023 National–ACT–New Zealand First coalition's decision to review all

other hand, such changes could be regarded as relatively marginal and accepted as part of the ongoing cycle of policy review in the New Zealand Parliament, where sovereignty resides.

The political philosophies reflected in the broader theoretical, American and Canadian contexts related to co-governance highlight tensions between majoritarianism and minoritarianism. To reiterate, majoritarianism emphasises political authority based on majority rule, often valuing democratic legitimacy through electoral processes, but risks marginalising minority groups when unchecked by institutional protections. Critics argue that majoritarianism can erode democratic inclusivity and lead to authoritarian tendencies.

Conversely, minoritarianism asserts the legitimacy of governance by elite minorities, justified by claims of superior knowledge,

skills or historical rights. Minoritarianism often manifests in oligarchic, technocratic or elite-driven systems, creating unequal political landscapes where a select few dominate. This ideology risks undermining democratic equality and consolidating power in ways that exacerbate social and economic inequalities.

In the United States, recent analyses demonstrate the shift between majoritarian and minoritarian dynamics, emphasising the need to protect minority rights within a majority system while also guarding against the rise of factional minority rule. Methods such as legal manipulation and selective enforcement have been observed as means by which minority groups subvert democratic principles, exacerbate political instability and disenfranchise the majority.

In contrast, the Canadian approach to minority rights focuses on liberal multiculturalism. Proponents like Kymlicka argue for group-differentiated rights to protect minority cultures, particularly indigenous peoples, as essential to democratic legitimacy. This philosophy seeks to reconcile liberalism's emphasis on individual rights with the need for cultural preservation, advocating for structural safeguards to ensure equal political autonomy for both majority and minority groups. Critics of this approach, such as Barry (2002), warn that granting special cultural rights undermines liberal egalitarianism and risks entrenching social divisions.

These competing philosophies underscore the complexities inherent in democratic governance, where tensions between majoritarian rule, minority protections and cultural pluralism must be continually negotiated.

### Conclusion

The Rotorua case study, when viewed in national and international contexts, underscores significant tensions between minority and majority rule in democratic governance. Nationally, co-governance debates in New Zealand reflect deeper tensions between biculturalism, based

on the Treaty of Waitangi, and the liberal democratic ideal of equal rights for all citizens.

Internationally, these dynamics parallel broader debates in countries like the United States and Canada, where tensions between majoritarian rule and the protection of minority rights are similarly pronounced. In the former, scholars have noted shifting concerns between upholding majority rule and safeguarding minority rights, particularly in the context of electoral processes and judicial interpretations, reflecting broader concerns about factional minority rule and the manipulation of democratic principles by elites. In Canada, the approach to minority rights, particularly through liberal multiculturalism, seeks to protect the cultural autonomy of groups such as indigenous peoples by advocating for group-differentiated rights consistent with multicultural majoritarianism, thereby attempting to reconcile the protection of minority cultures with liberalism's emphasis on individual rights. However, critics argue that such policies risk entrenching cultural divisions and undermining democratic equality.

This article recommends pluralistic majoritarianism as a pragmatic approach to integrating minority groups into governance while upholding majority rule, to balance inclusivity with democratic authority. In a pluralistic majoritarian framework, majority rule would be preserved, but mechanisms would be introduced to ensure that minority voices are recognised and considered in decision-making processes. This approach contrasts with multicultural majoritarianism, where majority rule could become synonymous with dominant cultural supremacy, potentially sidelining minorities and fostering divisiveness on a simplistic dualism of *te ao Māori* versus *te ao Pākehā*.

Pluralistic majoritarianism aims to create a political environment where power sharing becomes a structural norm, encouraging various groups to contribute

to governance without allowing any one cultural or social perspective to overwhelm the political landscape. Through this system, governance processes are inclusive by design: they support consultation, negotiation, and possibly shared leadership among diverse stakeholders, while ensuring that final decisions are still grounded in majority rule. This balance aims to accommodate minority interests without diluting the authority of the majority, preventing either a 'tyranny of the majority' or a 'tyranny of the minority'.

By avoiding the pitfalls of multicultural majoritarianism, pluralistic majoritarianism seeks to foster a sense of shared civic identity that respects cultural diversity within a unified political framework. The approach could include legislative reforms that guarantee minority rights, participatory decision-making structures, and educational programmes to promote cultural understanding. Ideally, it allows for greater social cohesion and stability, as minority groups feel acknowledged and integrated, reducing the motivation to challenge or destabilise the majority structure.

A pluralistic majoritarian model might offer a balanced path forward to robust, inclusive governance in diverse societies. This model respects majority rule while incorporating mechanisms that ensure that minority perspectives are factored into decision making. Unlike multicultural majoritarianism, which can allow a dominant culture to marginalise minority voices, pluralistic majoritarianism integrates minority viewpoints within a majoritarian structure, fostering a balance of inclusivity and democratic authority. Such a model could potentially help address concerns in diverse communities like Rotorua, preserving both democratic values and social harmony.

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