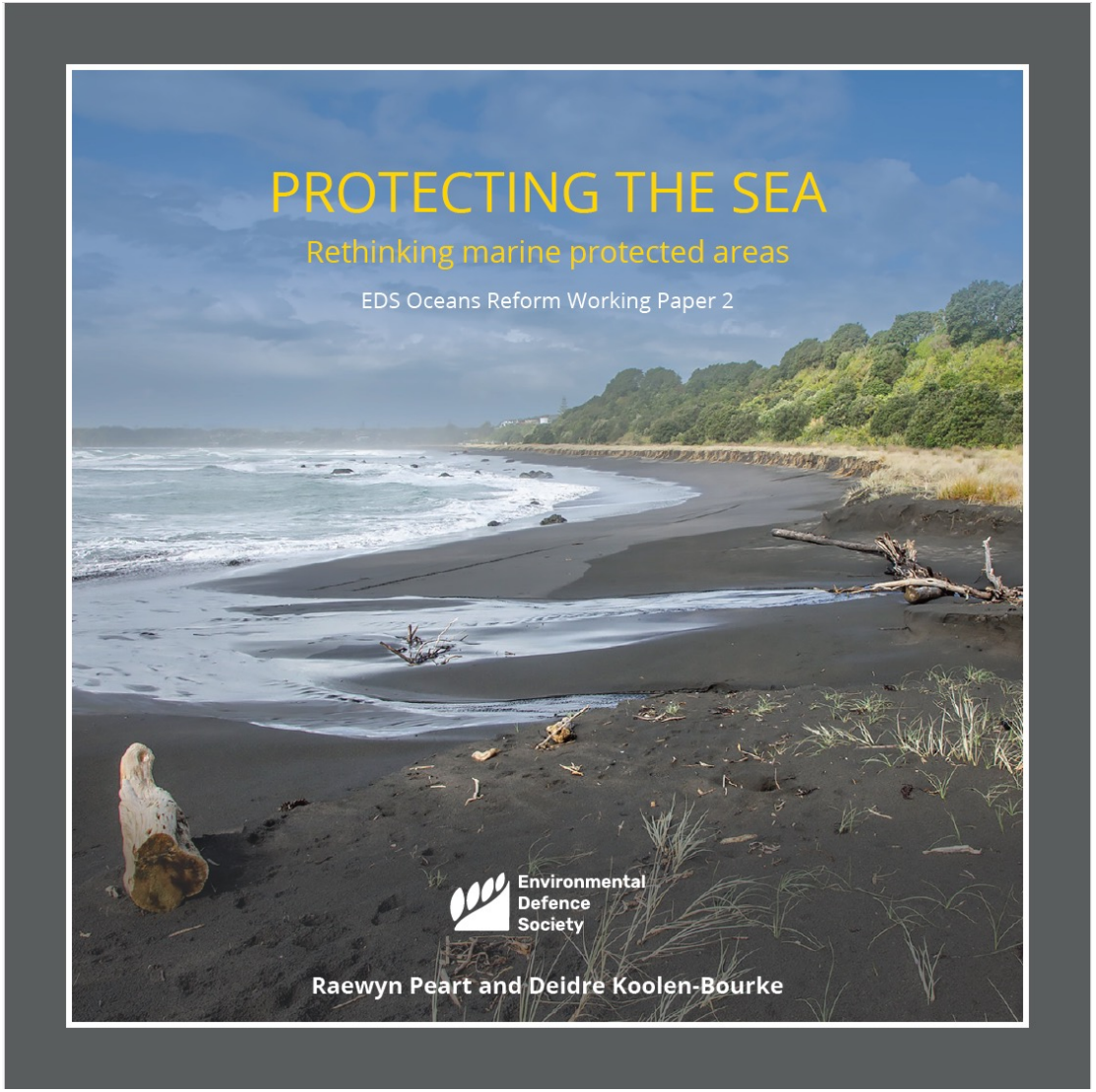
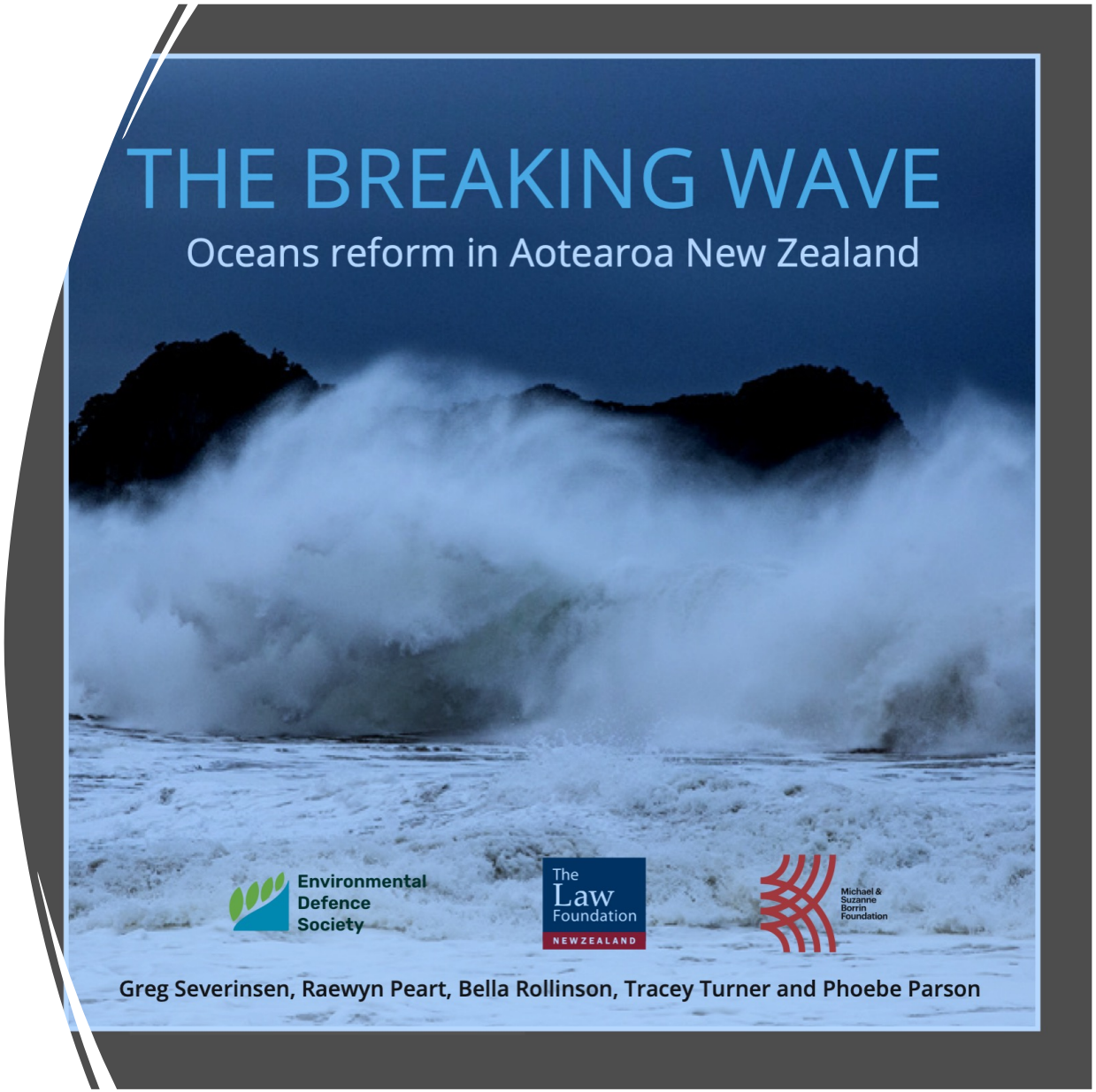

PROTECTING THE SEA
Rethinking marine protected areas
EDS Oceans Reform Working Paper 2
Environmental
Defence
Society
Raewyn Peart and Deidre Koolen-Bourke

EDS Oceans Reform Project Phase 1

- Review of current system
- Improving the tool-kit
- Design of oceans-related law and institutions
- Starting points for reform



EDS Oceans Reform Project Phase 2

Concrete propositions for reform:

- **Working Paper 1**: Marine Spatial Planning (Dec 2024)
- **Working Paper 2**: Marine Protected Areas (May 2025)
- **Final report**: Oceans Commission, National Oceans Strategy, Oceans Act (July 2025)

EDS Oceans Reform Project Phase 2

Case studies:

- Marlborough Sounds (Dec 2024)
- Otago Coast (May 2025)
- Bay of Islands (July 2025)

Oceans Symposium 12 May 2025

Day dedicated to oceans to help build momentum for change

- Reviewed the oceans challenge
- Ways to rebuild ocean health
- Strengthening the oceans management framework
- The case for an Oceans Commission

What are MPAs?

- ‘Safe place for marine life’
- Clearly defined space, managed to “achieve the long-term conservation of nature” (IUCN)
- Maintenance and/or recovery of biological diversity at the habitat and ecosystem level in a healthy functioning state” (MPA Policy 2005)

Types of MPAs: Undeveloped in NZ

NZ: Type 1 (marine reserves), Type 2 (protection under other legislation that meets the MPA Protection Standard)

IUCN: Strict nature reserve, wilderness area, national park, national monument or feature, habitat/species management area, protected seascape, protected area with sustainable use of natural resources

California: marine reserves, marine parks, marine conservation areas, cultural preservation areas, marine recreational management areas, water quality protection areas

Why establish MPAs: Potential benefits

- Increased abundance and diversity of species
- Restored biogenic habitats
- Re-established foundation and keystone species
- Greater variation in age and size structure (including more older, larger and highly productive fish)
- Protection of habitats of significance for fisheries management
- More productive fish stocks in the surrounding area
- Provision of a safety net against fisheries collapse
- Greater resilience to stressors
- Increased carbon sequestration
- Increased scientific knowledge
- Provision of control sites (eg impacts of fishing)
- Enhanced cultural, educational and recreational opportunities
- Economic benefits through tourism and enhanced fish stocks
- Increased ecosystem services more generally

Will a well-managed fishery benefit from MPAs?

- Greatest benefit for fisheries when recruitment, productivity and habitat issues are not addressed by adjusting harvest levels
- Many fish stocks in NZ are under pressure, some have collapsed
- Marlborough Sounds case study: depletion of green-lipped mussels, pilchards, blue cod, scallops, pāua, rock lobster and hāpuku

When are MPAs most successful?

- Strong fisher and community engagement
- Explicit objectives
- Good MPA design
- Robust governance
- Strong enforcement
- No-take has greatest conservation benefits

MPAs and the Treaty

- Crown obligation to effectively legislate for the protection of the marine environment
- But in a way that does not undermine iwi or hapū authority over their own resources.
- Therefore, need meaningful iwi Māori involvement in MPA creation and management
- Integrate mātauranga Māori and tikanga into process and design
- Joint or devolved management
- Mana whenua as kaitiaki (eg kaitiaki rangers)
- Use of customary management tools
- Address customary fishing

Past MPA reform efforts: What can we learn?

Marine Reserves Act 1971

- Narrowly framed – purpose “scientific study”
- Intended to apply only to “extremely limited” areas
- Provides broad rights of objection
- Māori rights and interests not provided for
- Existing recreational activities given the greatest protection
- Reluctance to use new legislation: only 2 marine reserves in 20 years
- Marine parks created instead (Tāwharanui and Mimiwhangata)

30 years later only 16 (mainly tiny) marine reserves: Clear need for reform

Marine Reserve	Date Gazette/Order	Government	Size (ha)
Cape-Rodney-Okakari Point	November 1975	Labour (Rowling)	547
Poor Knights Islands	February 1981	National (Muldoon)	1,890
Kermadec Islands	October 1990	Labour (Moore)	748,000
Kapiti	April 1992	National (Bolger)	2,167
Tuhua (Mayor Island)	December 1992	National (Bolger)	1,060
Whanganui A Hei (Cathedral Cove)	December 1992	National (Bolger)	840
Long Island – Kokomohua	March 1993	National (Bolger)	619
Piopiotahu – Milford Sound	September 1993	National (Bolger)	690
Te Awaatu Channel	September 1993	National (Bolger)	93
Tonga Island	October 1993	National (Bolger)	1,835
Westhaven (Te Tai Tapu)	April 1994	National (Bolger)	536
Long Bay – Okura	October 1995	National (Bolger)	980
Moti Manawa – Pollen Island	October 1995	National (Bolger)	501
Te Angiangi	July 1997	National (Bolger)	446
Pohatu	May 1999	National (Shipley)	215
Te Tapuwae O Rongokako	October 1999	National (Shipley)	2,452

Marine Reserves Bill 2000

(withdrawn 2013)

Intended to modernise marine conservation:

- Extended to the EEZ
- New purpose – conserving "indigenous marine biodiversity"
- Precautionary principle applied
- No fishing in marine reserves
- Any party could apply
- Streamlined process
- Minister of Conservation sole decision-maker
- Concession system for commercial activities
- Advisory committees and management boards

Strong opposition to Marine Reserves Bill

- Precautionary principle described as “if we are in doubt about whether an activity is sustainable, we just want to shut it down” approach
- Extension into the EEZ would result in “massive exclusion zones” impacting commercial fisheries
- No compensation regime for commercial fishers
- Minister of Conservation’s decision-making risks policy being overly influenced by “preservation” groups.
- Treaty clause included, without explaining what it meant, including for customary fishers

Progress through collaboration

- MPA Policy 2005 and Implementation Guidelines 2008
- 14 community-based marine protection fora to be established
- Identify representative networks around coast
- Drew on success of Fiordland initiative
- Only 3 fora established by DOC/MPI: Sub-antarctic 2005, West Coast 2008, South-east 2014
- Others: Kaikōura (hāpu-initiated) and Hauraki Gulf (Forum-initiated)
- Most MPA progress made through these collaborative efforts

Aborted Marine Protected Areas Act

(2016 Discussion Document stalled soon after Kermadecs Sanctuary announced)

- Discussion document by Conservation Minister Nick Smith
- Similar proposals to failed 2000 Bill
- But excluded EEZ
- Decisions made by group of Ministers
- Recommendations to Minister made by collaborative process or independent board of inquiry
- Marine reserves, species specific sanctuaries, seabed reserves and recreational fishing parks

Paused MPA Discussion Document 2021

(while efforts focused on Kermadec Sanctuary)

- Included the EEZ
- Marine reserves and marine conservation areas (which could be tailored)
- National MPA Strategy (co-design with iwi Māori)
- Customary fisheries practices recognised
- Co-governance to be explored
- Science and Mātauranga Māori Advisory Board
- Proposals led either by government agency or a collaborative group
- Final decision by Ministers of Conservation and Oceans and Fisheries

What can we learn from past efforts?

- MPAs highly politicised
- Unresolved Māori rights and interests
- Conflict between preservationist approach and relational te ao Māori worldview
- Fisher concerns supported by minor coalition parties have halted progress
- Short Parliamentary political term unhelpful
- Lack of enduring leadership across the oceans space

International approach

Kunming-Montreal Global Biodiversity Framework Target 3:
"Ensure and enable that **by 2030 at least 30 per cent ... of marine and coastal areas**, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through **ecologically representative, well-connected and equitably governed systems of protected areas** and other effective area-based conservation measures .... **and integrated into wider ... seascapes** and the ocean... **recognizing and respecting the rights of indigenous peoples** and local communities, including over their traditional territories."

Achievement date	International commitment	National commitment
2010	Effective conservation of at least 10% of ecological regions (2004)	Protect 10% by 2010 in a network of representative areas (2000)
2020	At least 10% conserved in protected areas that are ecologically representative, well-connected, and effectively and equitably managed (2010)	A "wider range" of marine ecosystems in protected areas (2016)
2030	At least 30% conserved in protected areas that are ecologically representative, well-connected, effectively and equitably managed, and in other effective area-based conservation measures, while respecting indigenous rights (2022)	"Significant progress" made in protecting marine habitats and ecosystems of "high biodiversity value" (2020) Support the *global* protection target of 30% by 2030 (2022)

Progress in MPA creation: 2019 gap analysis

Type 1 MPA: 9.8% territorial sea (0 in EEZ); Type 1 and 2: 12.3% territorial sea

> Due to the bulk of MPA protection being located around offshore islands, mainland bioregions in 2019 had only 0.3 to 4.7 per cent of their area in MPAs. Fiordland had by far the highest proportion of protection (4.72%), with the lowest being along the east coast of the North Island (0.25%), followed by the south coast of the South Island (0.47%).[74]

Long way from 30% of marine area in ecologically representative and well connected MPAs

Key areas of contention

- Approach to MPAs: representative network approach, risk-based approach or tikanga-based approach
- Utility of MPAs: science community identifies multiple benefits; fishers argue they create more problems than they solve
- Displaced effort and compensation: displaced effort not explicitly addressed in MPA creation, will need to be if MPAs become much larger (ie 30%), raises issue of compensation

Key areas of convergence

- Develop clear goals
- Build in flexibility
- Use collaborative processes
- Start with a broad remit
- Use a range of protection tools
- Drive action to address land-based impacts
- Integrate with broader oceans management
- Depoliticise the process

Making progress: New legislation

Based on key design principles:

- Clear overall purpose for marine protection
- Apply good design principles
- Range of spatial protection tools
- Collaborative processes to design networks
- Address impacts on fisheries
- Address Treaty rights and interests
- Build in flexibility
- Ensure active and effective management
- Ensure adequate resourcing

Making progress: Keep collaborating

- Legislative reform will take time
- Hauraki Gulf and SEMP collaborative processes ended almost a decade ago
- We need to support additional collaborative marine planning processes
- Prospective areas could include the Marlborough Sounds, Bay of Islands and Hawkes Bay

Conclusions

- NZ is now far behind international best practice in MPA legislation and policy
- At the same time climate change accelerating
- Consensus that Marine Reserves Act and MPA Policy not fit-for-purpose
- Tricky areas to be negotiated for MPA reform to succeed
- Many areas of consensus which can be built on

Most progress on MPAs through collaborative processes. WE NEED TO DO MORE OF THEM!!

Questions and comments