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# Co-Governance and Local Empowerment? Conservation Partnership Frameworks and Marine Protection at Mimiwhangata, New Zealand

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*This study examines the conservation partnership activities conducted as part of the Mimiwhangata marine reserve project. This project involved the formation of a partnership between the Department of Conservation (DOC) and an indigenous Maori community, who sought to establish and co-govern a marine reserve at Mimiwhangata, New Zealand (NZ). Drawing on the discourse of contemporary Treaty of Waitangi politics, the article argues that participatory processes can be effective means through which to pursue both positive conservation and social outcomes. However, unless the appropriate legislative framework exists in which meaningful ongoing community involvement and control can be constituted, partnership-based conservation is unlikely to deliver substantial conservation or social gains. Fundamental issues concerning indigenous rights, authority, and control persist within the “partnership” framework, which existing marine reserve governance mechanisms in New Zealand do not resolve.*

**Keywords** co-governance, conservation, indigenous, Maori, marine reserves, New Zealand, partnership

The issue of community participation in conservation and resource management has undergone considerable analysis in recent years, and consideration of the place of indigenous involvement in conservation management is a particularly notable branch of this literature (Agrawal and Gibson 1999; Berkes 2004; 2007; 2009a; Carlsson and Berkes 2005; Castro and Nielsen 2001; Conley and Moote 2003; Wilson 2005). The promise that partnerships and co-management/governance, particularly between traditional/indigenous owners and conventional conservation and environmental protection agencies, can produce positive conservation and social outcomes remains powerful, notwithstanding the critical reexamination that co-management has undergone (Agrawal and Gibson 1999; Conley and Moote 2003; Coombes and Hill 2005).

The inclusion of indigenous perspectives, knowledge, and practices within conservation and environmental management is an important process for policy and practice innovation, particularly in the New Zealand context, in which the

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research presented here is located. The development of innovative partnership-based conservation co-management and co-governance frameworks is an important area of postcolonial political development (Waitangi Tribunal 2011, 370–373). Yet how partnership and collaborative processes are developed and sustained is not necessarily well understood. A key aspect of these processes, particularly in a cross-cultural setting, is the practical work of different stakeholders engaging and deliberating over conservation policy. Indeed, the “preimplementation” phase of co-management has been elsewhere identified as crucially important to long-term conservation policy success (Chuenpagdee and Jentoft 2007). The aim of this article is therefore to examine the processes by which effective conservation partnerships are formed and to analyze the factors contributing to both the success and failure of conservation partnership and co-governance initiatives. Specifically, this article examines the partnership development, but ultimate failure, that characterized the cross-cultural collaboration seeking to establish a no-take marine reserve at Mimiwhangata, on the northeast coast of New Zealand, begun in 2001. Although in New Zealand there are examples of innovative approaches to conservation co-management emerging, notably through the process of Treaty of Waitangi negotiations and settlements,<sup>1</sup> regional and national frameworks that permit the sharing of power and authority within conservation policy are underdeveloped. A significant contributor to this underdevelopment is the slow pace of legislative review and reform required to establish new institutions of conservation management in New Zealand.

This article presents a case-study examination of the conservation partnership activities conducted as part of the Mimiwhangata marine reserve project, developed by the state conservation agency, the Department of Conservation (DOC), and local Maori tangata whenua<sup>2</sup> (people of the land, indigenous), Te Uri o Hikihiki (the descendants of Hikihiki), between 2001 and 2006. Both groups had independently identified the ongoing degradation of the marine environment at Mimiwhangata and, through the marine reserve project, became actively engaged in pursuing marine reserve status for the Mimiwhangata area. Based on both archival and in-depth interview material, this article analyzes the process of partnership development. It is argued that although participatory conservation processes can be effective means to pursue both positive conservation and social outcomes, unless the appropriate legislative framework exists in which credible forms of co-management/co-governance can be constituted, participatory conservation activities are unlikely to deliver substantial conservation or social gains. The article finds that effective conservation partnership characterized the Mimiwhangata project; however, existing weak co-governance structures impede the development of partnership conservation measures. Fundamental local concerns over rights, authority, and control persist within the “partnership” framework, and these are concerns that existing governance mechanisms do not adequately resolve.

### **Project Background: Marine Protection at Mimiwhangata**

Mimiwhangata, located on the northeast coast of the North Island, Aotearoa/New Zealand, is an area of natural beauty and ecological, scientific, and cultural importance to both Maori and tauwiwi (nonindigenous). The modern history of both terrestrial and marine conservation at Mimiwhangata dates from the 1970s, when the first ecological surveys were conducted and the area’s outstanding natural and ecological features began to be intensively studied and documented

(Ballantine et al. 1973; Grace 1981). The present Coastal Farm Park was established at Mimiwhangata in 1980, and the existing Marine Park<sup>3</sup> in 1984 (Kerr and Grace 2004). The administration of these parks has been carried out by the Department of Conservation, the government department responsible for managing the New Zealand (NZ) conservation estate. Particular emphasis has been placed on the monitoring of the marine environment, and ongoing scientific surveys of the area have revealed the continuing degradation of the marine ecology (Kerr and Grace 2002; 2003; Denny and Babcock 2002) as a result of historic resource overextraction and the persistence of weak protection. Current Marine Park regulations permit a variety of recreational extractive activities, such as diving for crayfish and line fishing; however, commercial fishing of any kind is banned.

Given this status, in the early 2000s Mimiwhangata was identified as a prime location in which the Department of Conservation had an opportunity to also advance a wider marine conservation strategy in Northland. Northland is a New Zealand geographic region, encompassing all the territory from the northern boundary of metropolitan Auckland to North Cape. The Northland east coast is both an ecologically high-value marine environment and a region of high-intensity recreational and commercial use, featuring many islands, fine harbors, and rich marine life. A key dimension of any expanded marine conservation strategy was to “get it right” in relation to engagement and partnership formation with local Maori. From DOC’s perspective, if a marine reserve could be established at Mimiwhangata based on co-management/co-governance principles, then this potentially provided both a model and precedent for future marine reserve establishment in Northland.

Under current legislation a marine reserve is designated a “no-take” area, in which all forms of extraction (fishing, collecting, mining) and alteration of the natural environment (infrastructure development) are banned. It is the highest form of protection available, akin to a national park. Applications for marine reserve status can be made by a variety of community or government groups, typically led by or with significant input from the Department of Conservation, under the Marine Reserves Act of 1971 and Conservation Act of 1987. Applications are subject to extensive public and stakeholder consultation, receiving ultimate approval or otherwise from the Minister of Conservation. Importantly too, DOC must, in its administration of the Conservation Act of 1987, “give effect to the principles of the Treaty of Waitangi.”<sup>4</sup> This responsibility is clearly expressed in the emphasis the department places on engagement and collaboration Maori,<sup>5</sup> especially in relation to the development of conservation policy and activities.

Tangata whenua (indigenous people), principally Ngatiwai iwi (tribe) and coastal hapu (subtribes: Te Uri o Hikihiki and Te Whanau Whero), maintain strong cultural, customary, and genealogical ties to Mimiwhangata, asserting traditional authority (mana whenua/moana) over both the land and marine area. These communities are distinct, occupying the northern (Te Uri o Hikihiki) and southern (Te Whanau Whero) boundaries of the Mimiwhangata area; nonetheless, they share common ancestors and closely related genealogies (Carmen Hetaraka, interview, May 1, 2012). These groups formed the primary constituency in the department’s community engagement activities during the marine reserve project. Administratively, the Ngatiwai Trust Board is the “mandated iwi authority” representing the wider Ngatiwai tribal interests principally in statutory processes, such as those of the Resource Management Act of 1991 and Maori Fisheries Act of 2004, and, importantly, the Treaty of Waitangi settlements process. Notwithstanding this structure,

mana whenua and mana moana—the exercise of traditional authority—continues to be held by particular local communities, and it is these hapu (subtribes) that were the primary actors in the Mimiwhangata project.

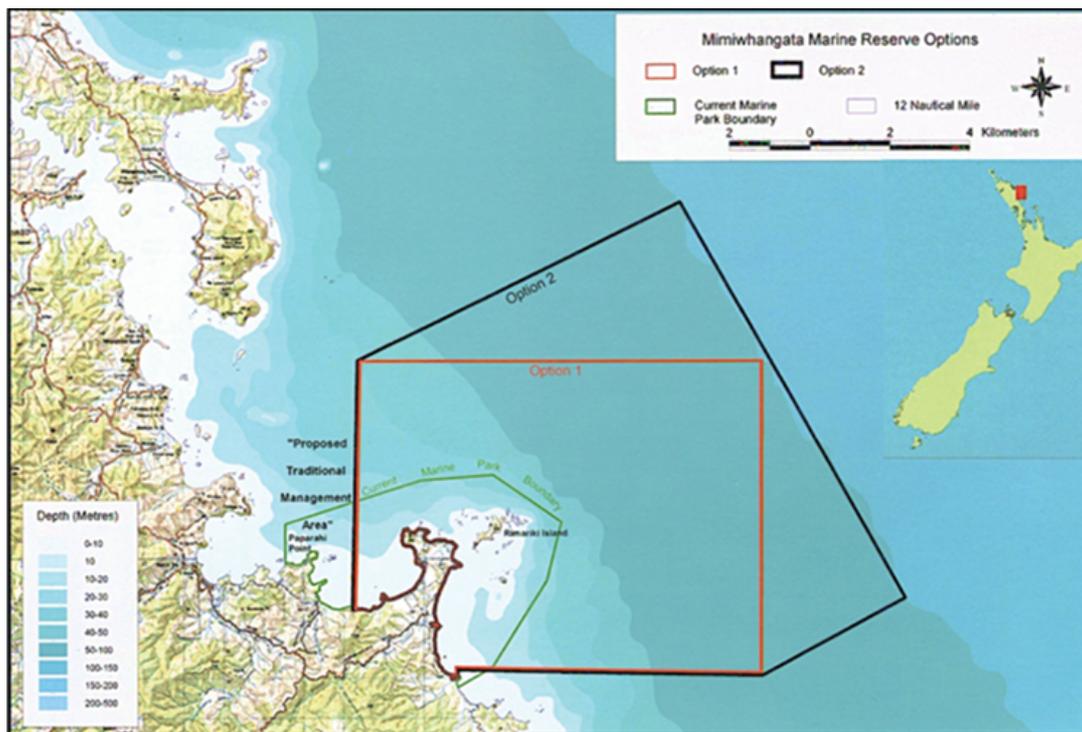
Rural Northland, and particularly the coastal area surrounding Mimiwhangata, experiences high levels of social and economic deprivation, and this experience is disproportionately felt by rural Maori (Scott et al. 2000). In the early 2000s, frustrated by ongoing marginalization and disempowerment, local leadership began to explore opportunities for locally determined economic and social development. Initially, marine aquaculture (mussel farming) near Mimiwhangata was explored. However, with the initial DOC suggestion that the area be considered for marine reserve status, local people, recognizing the need for a more sustainable approach to the exploitation of local fisheries, became increasingly involved in the deliberations over the establishment of a marine reserve at Mimiwhangata.

In the process of early consultation (beginning in 2001) a leadership group quickly emerged from the local community, comprised of local elders, concerned for both the local marine environment and wider socioeconomic issues facing the area. The leadership group represented the local hapu (subtribe) Te Uri o Hikihiki, and focused on the social and economic development of Ngatiwai coastal communities, particularly around Mimiwhangata. Although the neighboring hapu, Te Whanau Whero, maintained an interest and involvement in deliberations over the marine reserve project, they did not demonstrate or assert equivalent leadership as Te Uri o Hikihiki did. Te Uri o Hikihiki have increasingly come to view marine conservation as a credible vehicle for local development.

As local leadership asserted, Te Uri o Hikihiki possessed the vision, leadership, and mana whakahaere (authority to lead) established by the genealogy of their senior kaumatua (elder), the son of the last paramount chief of Ngatiwai. Within traditional authority structures operating at community level, the authority of this elder, while at times challenged, was ultimately incontestable. It is in this setting that a partnership between local people and DOC was formed and ongoing efforts to advance marine protection at Mimiwhangata, in the form of a “no-take marine reserve,” have been pursued (Figure 1).

### **Theory: Partnership Conservation and Conservation Policy in New Zealand**

Partnership discourse is a highly visible feature of resource management and conservation literature (Berkes 2009a; Campbell and Vainio-Mattila 2003; Forgie et al. 2001). As Berkes (2009a) suggests, sustainable partnership and co-management arrangements are complex and dynamic processes, and should be understood beyond simple goal-oriented collaborations or consultation processes. Ideally, co-management of natural resources by “communities” and state actors should be thought of as adaptive, learning processes in which environmental problem solving and knowledge generation are central, within the administrative, institutional framework of shared authority (Berkes 2009a) and in which indigenous “ways of knowing” are complementary to “conservation science” (Berkes 2009b; Jacobson and Stephens 2009; Robson et al. 2009). Although Carlsson and Berkes (2005) suggest co-management should be understood as a continuum between simple information exchange and fully developed shared governance, it is clear that co-management implies the sharing of decision-making power and responsibility, and that co-governance suggests the devolution of decision-making imperatives, authority,



**Figure 1.** Mimiwhangata Area with proposed marine reserve boundaries. (Color figure available online.)

and control to a governance entity combining state or official authority and local, community authority. *Partnership* should be understood as the processes through which co-governance/management is developed and negotiated, whereas *participation* refers to the dialogic engagement of partner stakeholders in these processes (Dutta 2011).

Berkes (2004) uses the term *adaptive co-management* to capture the dynamic and changing nature of the co-management relationship, particularly in a cross-cultural setting. As noted earlier, the integration of traditional indigenous authority and knowledge is becoming a visible feature within both conservation policy and the postcolonial New Zealand polity more widely. For the purposes of this research, co-management is defined as the collaborative process of decision making and problem solving within the administration of conservation policy (Singleton 2000; Carlsson and Berkes 2005). Co-management implies the devolution of decision-making power and control to a collaborative body representing both conservation authorities and local stakeholders: in the present case, Mimiwhangata community members. Under existing co-management arrangements, however, the Crown, acting through the Department of Conservation, reserves ultimate decision-making authority. Co-governance can simply be defined as arrangements in which ultimate decision-making authority resides with a collaborative body exercising devolved power—where power and responsibility are shared between government and local stakeholders (Berkes 2009a). Following Carlsson and Berkes (2005), it is useful to conceive of co-management/governance as a continuum along which both particular and local expressions of partnership can be located.

### Co-Management in Aotearoa/New Zealand

Recent Treaty of Waitangi settlement negotiations have resulted in innovative collaborative frameworks for managing specific natural resources or areas, such as the Waikato River and the Far North's Ninety Mile Beach (Te Oneroa a Tohe).<sup>6</sup> Developments such as these indicate the constructive possibilities of shared governance in conservation policy. Outside of the Treaty of Waitangi settlements process, however, the establishment of conservation co-management/governance with respect of the marine environment remains legislatively problematic. The Conservation Act of 1987 requires the department to "give effect to the principles of the Treaty of Waitangi,"<sup>7</sup> and this commitment is articulated in DOCs community engagement policy statements (see *General Policy* [DOC 2005]; *Consultation Guidelines* [DOC 2006a]). DOC also states a commitment to community participation and partnership and has produced internal research publications illuminating this dimension of its operations (DOC 2004a; Wilson 2005). Notwithstanding an institutional willingness to engage more deeply in co-management/governance processes, the mechanisms through which conservation partnership and co-management/governance can be instituted remain weak and unclear, potentially undermining a discursive commitment to the meaningful involvement of Maori.

Currently, section 56 of the Conservation Act of 1987 provides for the establishment of ministerially appointed "advisory committees" to advise the Department in relation to particular conservation areas, including marine reserves. Such committees possess no official decision-making authority and merely provide advice to the Minister and Department of Conservation. On one hand, "advisory committees" do provide for the involvement of Maori within conservation management and governance. In practice, such committees have been established in order to pragmatically provide for Maori involvement in marine reserve management and decision making, in the absence of other provisions.<sup>8</sup> On the other hand, the extent to which these bodies exert real governance control and decision-making authority results from pragmatic, local arrangements and goodwill, rather than from statutory authority. Furthermore, resourcing for the operations and activities of "advisory committees" is uncertain. By contrast, "control and management" (Reserves Act of 1977) of terrestrial reserves—administered under different legislation—may be devolved to a wide variety of local authorities, organizations, and boards. The same provision is not available with respect to marine reserves.

Although the "advisory committee" structure may invite the involvement of Maori in the administration of a particular marine reserve, such mechanisms do not provide for the assumption of substantial decision-making and governance authority by local people, as ultimate authority continues to reside with the Minister of Conservation and officers. Nor do "advisory committees" facilitate the adaptive, problem-solving and collaborative approach to conservation administration suggested by Berkes's (2004) concept of "adaptive co-management." As Uunila (2003) has suggested, "advisory board" mechanisms are potentially a tokenistic form of participation. Notably, too, the Marine Reserves Act of 1971 provides for the preservation of distinctive and unique marine environments for specifically scientific purposes, potentially impeding the exercise of customary relationships, such as kaitiakitanga (guardianship). Kaitiakitanga involves the sustainable use of environmental resources by tangata whenua for social maintenance and development, central to the development of indigenous te tino rangatiratanga (self-determination) (Kawharu

2000). Given the context of frequently unsupportive legislation, the Waitangi Tribunal (2011) has nevertheless commended DOC for its commitment to constructive engagement with tangata whenua.

## Methods

This article presents the preliminary findings of ongoing research into the formation of cross-cultural conservation partnerships in New Zealand. The present data are drawn from extensive archival research conducted at the Department of Conservation Area Office, Whangarei, New Zealand. The archive consists of “Mimiwhangata Project” documents compiled between 2001 and 2005. Archives are filed according to subject area: public consultation; Maori consultation; Working Group minutes and meeting notes; correspondence; and, internal communications. It is therefore acknowledged that the data are heavily weighted toward the perspective of the Department of Conservation. However, as the archives document the formation and activities of a partnership between local people and DOC, the perspectives and priorities of community members involved in the documented activities are faithfully contained therein. This material has been analyzed with reference to in-depth interview data produced with the cooperation of key Mimiwhangata project participants. To date six DOC representatives have been interviewed, including a retired area manager (senior project manager), project coordinator, and other members of the Mimiwhangata project team. A Te Uri o Hikihiki spokesman has been interviewed at length, in order to provide adequate representation of tangata whenua in the research. Interviews were conducted face-to-face, following a semistructured format, in which the central issues relating to partnership formation and local marine protection were discussed, and in which the participant’s own perspectives and experiences were allowed to direct the discussion around these central themes. Each interview was approximately 1 hour long and has been transcribed into text by an independent transcription service. The emerging narrative is therefore based to a large extent on the archival material, animated by reference to the interview material.

The more substantial inclusion of the perspectives of tangata whenua participants has been made difficult as many kaumatua (elders/senior community members) involved in the project have passed away in recent years. It should be recognized also that locally focused projects in New Zealand do not necessarily involve large numbers of participants. It should also be noted that the interviewees involved in this project agreed to be identified in published material. The research presents initial findings a broader, ongoing research investigation into cross-cultural conservation partnership and co-management/governance in New Zealand.

## Results and Discussion

### *The Marine Reserve Project: From Consultation to Partnership?*

The project to establish a marine reserve at Mimiwhangata commenced in 2001, substantially consisting of long-term (2001–2006) engagement, dialogue, and partnership-building activities between DOC and local tangata whenua/moana (indigenous; people of the land/sea). These processes culminated in the development and release of a public discussion document in 2004, followed by the preparation in 2005 of a joint application to the Minister of Conservation for the establishment of a marine reserve. This early stage of the project demonstrates clearly that effective partnership formation is

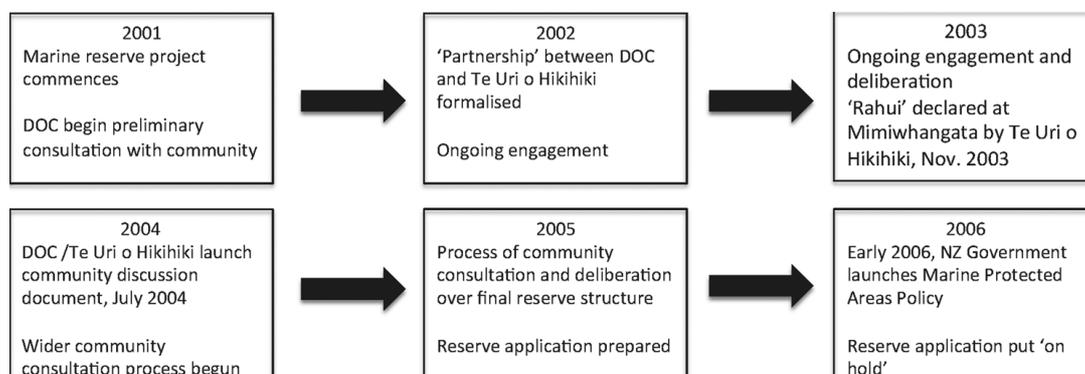
enhanced by partner groups possessing clear priorities and strategic vision in relation to local resources and the willingness to deepen the process of dialogue and engagement that builds on initial interactions. This process can be understood as moving beyond information sharing or consultation, toward partnership, and illustrates the importance of official conservation agencies responding to local aspirations and priorities.

When the potential establishment of a marine reserve at Mimiwhangata began to be discussed seriously within DOC's Area and Conservancy<sup>9</sup> offices at Whangarei in 2001, the inclusion of tangata whenua/moana was prioritized, reflecting both an institutional and local commitment to community participation, which has been commended elsewhere (Waitangi Tribunal 2011, 128–129). In the context of frequently fractious national and regional politics over land and resource control, and historic suspicion toward Crown policy, DOC viewed working with an appropriate community partner as crucial to the project's success and to a wider regional marine protection strategy (John Gardiner, interview, May 4, 2012). From the department's perspective the project to establish a marine reserve at Mimiwhangata represented an opportunity to “get it right” (file notes: PAS-01-06-03, NLW-2 2002–2007) with respect to engagement with tangata whenua, potentially producing a progressive model of both partnership and reserve management on which to advance future regional conservation activities. The timeline of the project and key events in its development are described in Figure 2.

For Mimiwhangata tangata whenua, the power of local mana (spiritual power and authority) and traditional authority structures were paramount and to be recognized.<sup>10</sup> The activation of traditional local leadership was vital both to local enthusiasm for marine protection and to the formation of constructive partnership between local Maori and DOC. As a Te Uri o Hikihiki spokesman explains, the marine reserve project offered an opportunity for local self-determining energies to be asserted:

When we explained [to DOC] what this was all about, they got to see that there's a whole line of leadership that's been laying dormant [at Mimiwhangata]. And that's why this kaupapa [project/policy] is so important [sic]. (Carmen Hetaraka, interview, May 1, 2012)

From late 2002, local leadership members who had formed themselves into a “kaitiaki group” (local environmental guardians) asserted the right to be consulted and involved and to provide leadership from within the community on all issues pertaining to Mimiwhangata—providing DOC with a strong community partner



**Figure 2.** Mimiwhangata marine reserve project timeline, 2001–2006.

vital to progressing marine protection discussions. As the DOC project coordinator commented after an initial meeting with the group:

They want: clear direction from DOC on plans; control and maximised involvement in process and in establishing a reserve; need to further korero [consultation] with the community; . . . My overall impression is that the Mokau [local community; Te Uri o Hikihiki] people are positive, capable and absolutely committed to creating the best future for their hapu. (File notes, PAS-01-06-03, NLW-2, May 21, 2003)

Te Uri o Hikihiki see their role as providing local leadership that has previously been lacking and ineffective, and to proactively seek any opportunities for local empowerment. Local leadership clearly considered its involvement with DOC as part of a wider strategy of reestablishing hapu (subtribe) strength, vitality, and decision-making power, in the context of pervasive local social and economic deprivation and the ongoing experience of disempowerment.<sup>11</sup> For Te Uri o Hikihiki, marine conservation activities offered the possibility of achieving substantial gains with respect to the restoration of local authority and environmental management. This strategy for social and economic development has been focused on the rejuvenation of kaitiakitanga, or environmental stewardship, a core principle of Maori relationship with the natural world (Waitangi Tribunal 2011; Kawharu 2000):

Our elders said everything relates to us [as tangata whenua/people of the land]—in a holistic sense—so if we are talking about generating economic sustainability [from aquaculture] well then they said let's assert ourselves into the management of these resources [conservation lands] which are slowly slipping out of our control. Not to co-manage, but to co-govern. (Carmen Hetaraka, interview, May 1, 2012)

DOC saw the successful constructive engagement with local leadership during this project as reinforcing existing good relationships and providing a “model for best practice” (file notes, PAS-01-06-03, NLW-1 2001–2005, 2002) community engagement. The department's expression of support for Te Uri o Hikihiki's vision for their community and an enthusiasm to explore co-governance arrangements established substantial goodwill. Indeed, given the strength and focus of emerging local leadership, DOC and local people understood their strategies and aspirations to be firmly entwined. The purposeful leadership demonstrated by tangata whenua meant that from 2002 onward the marine reserve project could proceed confidently. As support for marine protection was sought beyond the project partners and among the wider community, an intense period of dialogue and engagement with the local community commenced. Nonetheless, the reconciliation of indigenous knowledge and mainstream conservation policy required intensive, deliberative dialogue through which these concepts could be discussed and integrated.

### ***Deliberation, Marine Protection, and Authority***

Commencing in 2002, DOC and Te Uri o Hikihiki undertook a lengthy engagement process.<sup>12</sup> The project partners held an ongoing series of “working group” meetings and other hui (meetings) continuing until 2004 and including the neighboring hapu

(subtribe), Te Whanau Whero. The creation of effective communicative spaces where cross-cultural exchanges could be experienced and developed was crucial to the ongoing development of the project and of understanding between partners. These “deliberative spaces” provided culturally appropriate fora in which the concept of marine protection could be articulated in culturally resonant terms and the deliberative process of negotiation and planning could take place. From time to time, for example, hui (meetings) would be held within the community, at local marae (traditional community meeting spaces), in accordance with local protocols and frequently conducted in Te Reo Maori (the Maori language). In these discussions, reserve structure and governance quickly emerged as the central issues for tangata whenua as they sought the meaningful restoration of authority over the area and involvement in its management.

As a “no-take” area, a marine reserve at Mimiwhangata would mean real consequences for local people, as the enduring customary rights of tangata whenua to fish and gather seafood would be curtailed and possibly extinguished—an intolerable and unacceptable measure for many Maori. Nevertheless, as part of the dialogue, a senior kaumatua and local leader made a public statement at Mimiwhangata in which he expressed his concern over the degradation of the local marine environment and the depletion of fish stocks, and in which he called for a rahui—a traditional form of temporary closure—over the Mimiwhangata area for a period of 25 years (DOC 2004b). This declaration of a rahui by a senior kaumatua was considered of fundamental importance both to DOC, as an expression of support for their policy, and for local people, for whom purposeful leadership was evident. Although “rahui” possess only very limited statutory status,<sup>13</sup> the public enunciation of this measure must be seen as carrying significant customary and cultural importance. This public declaration permitted legally sanctioned marine protection measures to be meaningfully endorsed in culturally appropriate and resonant terms (Working Group Minutes, PAS-01-06-03, NLW-2, March 11, 2004).

For tangata whenua, the ultimate marine protection co-governance/co-management body and decision-making process controlling the Mimiwhangata reserve required much deliberation (Mimiwhangata Progress Report, PAS-01-06-03, NLW-4, July 24, 2003). Importantly, Te Uri o Hikihiki envisioned a governance structure in which ultimate authority and decision-making responsibility rested with them. Presently, however, the involvement of tangata whenua in marine reserve management is weakly provided for in legislation.<sup>14</sup> In practice, “advisory committees” meet from time to time to provide feedback and direction to the operational managers of a reserve—the Department of Conservation. For Te Uri o Hikihiki, although having an advisory role, such as that provided by section 56 of the Conservation Act of 1987, may have provided some degree of involvement in reserve management, this measure fell short of tangata whenua’s expectation that their authority be fully recognized:

When we started asking for te tino rangatiratanga [self-determination/governance], which is to be in governance, we were only offered the means [sic] the vehicle they call the section 56 committee... that gave us a voice that would always outweigh the minority, but the governor—that wasn’t us [sic]. (Carmen Hetaraka, interview, May 1, 2012)

It is important to note also the delicate balance that existing governance frameworks required project partners to maintain. As the then DOC area manager emphasized,

the department's pragmatic approach to establishing joint governance rested on achieving a workable arrangement within existing frameworks and using that as a foundation upon which to build support for more progressive forms of reserve governance over time. Although officially "advisory boards" possess limited authority, in practice these bodies can be important vehicles for tangata whenua involvement and trust-building institutions (personal communication, July 31, 2012).

Ultimately, it was decided by consensus among project partners that Te Uri o Hikihiki would be a joint applicant with DOC in the formal application process.<sup>15</sup> The question of how any established reserve would be governed remained unresolved. Nonetheless, the tangata whenua partner identified being a joint applicant as a firm opportunity to advance their strategy for hapu empowerment and development, with a clear vision of restored kaitiakitanga (guardianship) and enhanced rangatiratanga (self-determination) at the top of their agenda (Carmen Hetaraka, interview, May 1, 2012). Furthermore, both parties recognized that if traditional relationships and authority were restored through innovative governance frameworks, a powerful sense of local empowerment would be achieved, while also delivering conservation and ecological outcomes (Working Group Minutes, PAS-01-06-03, NLW-4 2003–2006, April 22, 2004).

### *The Limits of Partnership or a Limited Framework?*

The Marine Reserve Proposal Mimiwhangata: Community Discussion Document was released in July 2004, launched by both Te Uri o Hikihiki and the Department of Conservation. Notwithstanding ongoing public debate over the merits of a marine reserve at Mimiwhangata among the wider regional community—commercial and recreational fishers, community groups and coastal users, and local government—in the period following the release of the discussion document, unified support among tangata whenua also remained elusive. Here the limits to what can be achieved, by even the highest quality partnership, are demonstrated. Crucially, even as community members supported marine protection and conservation in principle and were willing to work toward formal marine protection, the frameworks available are demonstrated as inadequately reconciling customary interests, inclusive shared governance, and sound conservation outcomes.

At this final stage of the project the key issue for local people centered on the degree of authority and control they may exercise over the future reserve (Working Group Minutes, PAS-01-06-03, NLW-4, August 26, 2004). Te Uri o Hikihiki consistently advocated viewing conservation partnership as potentially representing a direct relationship between tangata whenua and the Crown and providing an important first step in restoring local authority. "Advisory committee" representation would provide local people with an official position from which to advance their broader aspirations for local empowerment. DOC conceived the partnership similarly, advocating proceeding toward a more devolved form of governance once initial reserve structures were in place and a track record of constructive partnership cooperation had been established. However, as noted, the authority of an advisory committee, established under the existing Conservation Act 1987, is weak and was unsatisfactory to significant local opinion. The Marine Reserves Bill 2002, which was under parliamentary consideration in this period, provided for much stronger devolved control and authority in the form of a "Management Body," empowered to exercise decision-making control and resourced by the Department of Conservation. The

existence of this statutory possibility overshadowed negotiations over the establishment of a marine reserve under the older regime. The review of the marine reserve legislation has subsequently been halted by the current New Zealand government.

As these key issues of control and authority were deliberated within the local community, the neighboring coastal hapu (subtribe), Te Whanau Whero, who also possess customary and traditional rights over Mimiwhangata, maintained deep reservations over the proposal. Throughout the project Te Whanau Whero had maintained an interest and involvement in the community engagement activities and deliberations, yet were more skeptical of the benefits to be gained from an increased level of marine protection. Te Whanau Whero perceived the proposed marine reserve to curtail their customary rights and their mana whenua (customary authority) over Mimiwhangata, rather than establishing a potentially constructive relationship with the Crown.

The ongoing dialogue between DOC and hapu continued intensively through 2004 and 2005, in a community-based discussion process, taking place at meetings facilitated and attended by DOC, Te Uri o Hikihiki, Te Whanau Whero, and other community members. In these forums in particular, community leaders from the local area were able to identify and express issues of importance to them, particularly those relating to the maintenance of customary rights, reserve boundaries, and management authority (Working Group Minutes PAS-01-06-03, NLW-4, August 26, 2004). Although reservations over reserve establishment continued to be expressed, Te Uri o Hikihiki, in particular, continued to voice strong support for the reserve application. The modification of proposed reserve boundaries to exclude the traditionally important Papatahi Point area and to place this area under “traditional management status”<sup>16</sup> (see Figure 1) and the suggestion that enduring customary rights to the area be simply “not exercised” (file notes, PAS-01-06-03, NLW-2, December 15, 2005) under the rahui rather than extinguished entirely were compromise solutions arrived at through the community dialogue process. Such compromises were intended to protect the integrity both of marine conservation and of local customary values and practices, but did not resolve fundamental concerns.

Ultimately, unification of local support for the marine reserve was unsuccessful. Although the original project partners, DOC and Te Uri o Hikihiki, continued to support and develop the reserve application, Te Whanau Whero resolved not to support the application “in its current form” (file notes, PAS-01-06-03, NLW-2, February 7, 2005). The concept of marine conservation and protection resonated with the community members, who were aware of the degradation of its local marine environment; however, uncertainties surrounding the exercise of customary rights and of management and control of the proposed reserve were sufficient to prevent unified local support (file note, PAS-01-06-03, NLW-2, February 27, 2005). Although Te Whanau Whero were concerned that their authority over Mimiwhangata was not being sufficiently recognized and would be further diminished by a reserve, Te Uri o Hikihiki clearly identified the opportunity to be meaningfully involved in exercising local authority and control:

We went along because we were always pushing for te tino rangatiratanga. So we went alongside [sic] the sec. 56 committee because we thought—take a step at a time: We thought that with our other stakeholders we’d be able to get them thinking broader and to the future [sic]. (Carmen Hetaraka, interview, May 1, 2012)

In early 2006, the application to establish a marine reserve at Mimiwhangata was put on hold as a result of the promulgation of a broader Marine Protected Areas Policy by the New Zealand government: a comprehensive policy for the whole marine environment and an integrated, consensus-based approach to marine reserve establishment. This policy has to a large extent halted the establishment of marine reserves on high-use/high-value coastlines, such as the Northland east coast. Existing applications for marine reserve status have been “folded into” (file notes, PAS-01-06-03, NLW-2, March 17, 2005) this policy, which remains incompletely developed and articulated. In this political context the project to develop a marine reserve at Mimiwhangata has been put on hold by DOC; however, local people continue to pursue this long-term goal.

## Discussion

The discussion of the research findings identifies several key lessons relevant to the pursuit of cross-cultural partnership-based conservation. First, the activation of local leadership, based on culturally authentic structures of authority and legitimacy, is fundamental to partnership establishment and effectiveness. Likewise, respect for traditional structures of authority and knowledge is also crucially central, as has been demonstrated in related contexts, such as cross-cultural research (Moller et al. 2009). The active involvement of Te Uri o Hikihiki, representing local interests, provided the Department of Conservation with an energetic and committed partner, enabling the project partners to develop conservation partnership strategy beyond the conventional “consultation” and “engagement” frameworks (DOC 2004a; 2004b; Wilson 2005). Indeed, DOC’s approach to furthering marine protection was ultimately led by tangata whenua, who identified the project as advancing the agenda for local empowerment and presenting an opportunity to “reorient” DOC concerning engagement with Maori. Although DOC, as a state agency, possesses the scientific and human capital and the resources required for project delivery, their local partners provided the moral, culturally appropriate leadership and legitimacy required when engaging at a local level. Active local participation transformed a strictly marine conservation project, placing this measure in the wider context of potential social, cultural, and economic revitalization and empowerment. Likewise, DOC’s commitment to give fulsome effect to its statutory obligations with respect of Maori (Conservation Act of 1987), and to do so on the basis of flexibility and pragmatism, encouraged the formation of an effective partnership—potentially serving as a model for future community conservation partnership projects.

In pursuing “conservation partnership” the Mimiwhangata project sought to demonstrate best practice participatory community engagement. The project did succeed in creating genuinely deliberative spaces, providing opportunities for conservation goals to be reconceptualized and modified in culturally resonant terms, and for broader hapu (subtribe) aspirations to inform project development. These spaces of active engagement—working group meetings, face-to-face consultations, traditional marae (meeting house)-based meetings, and public statements by senior community leaders—both enabled and catalyzed the empowerment of local people. This empowerment is evident in leadership development processes and local agency, collaboration over conservation goals, reserve scope and management arrangements, and finally in becoming a formal joint applicant on the reserve application.

On the other hand, deliberation also provides the space for skepticism that local interests would not be sufficiently recognized within the ultimate marine reserve

management structure to be expressed. Although an intense and constructive process of community engagement was undertaken, permitting the range of local opinion to be expressed, ultimately local opinion was not united. Nonetheless, Te Uri o Hikihiki conceived of the marine reserve proposal as an opportunity for empowerment, whereas other community members expressed firm reservations and emphasized the defense of customary rights.

Deliberative processes therefore illuminate the tension between (under current legislation) the contradictory logics of customary rights/traditional authority and conventional state-led conservation. As Coombes and Hill (2005) make clear, in post-colonial societies contemporary exercises in conservation co-governance take place within historical and political conditions of eroded indigenous rights, competition over remaining lands and resources, and widespread mistrust. Unless innovations in conservation governance respond to this legacy, “it is unlikely that collaborative structures will be perceived as equitable” (Coombes and Hill 2005, 137). It must be recognized therefore that conservation frameworks that do not adequately provide for the participation of local communities or recognize their cultural values and traditional interests can potentially result in the unintended consequence of undermining community support for specific projects, in the context of general community awareness and support for conservation measures. The promulgation of novel governance frameworks reflecting the locally agreed division of authority and control may encourage broad community support for future conservation projects of this nature.

The project partners saw the Mimiwhangata project as both a vehicle for local empowerment and autonomy, and the means to achieve valuable ecological gains. The process of community engagement and deliberation was widely viewed as positive. Nonetheless, the limited co-management/co-governance framework provided for under current legislation restricts conservation partnership. Indeed, if Berkes’s (2009a) concept of adaptive co-management is applied to the Mimiwhangata partnership relationship, the integration of traditional “ways of knowing” of the local environment and traditional authority into the project’s development is visible. However, the extent to which this could fully develop into adaptive, shared, and dynamic marine reserve management is limited. From this perspective, partnership and local participation should be viewed as an “idealized narrative” (Conley and Moote 2003) that is unable to be meaningfully realized and is potentially tokenistic (Uunila 2003). The discourse of partnership is emphasized in DOC strategy and policy statements, yet the current analysis reveals existing structures as incapable of delivering wholly satisfactory governance outcomes, particularly in the context of the historic Maori experience of exclusion from resource management and sustained aspiration for postcolonial empowerment. The central problem remaining unresolved in the current context is the extent of decision-making authority and control to be exercised by co-managers, and the accommodation of cultural values and priorities within conservation frameworks. The evidence suggests that the active pursuit of conservation partnerships can be conducted with genuine consideration for local perspectives and values; however, the existing weak co-management/co-governance frameworks undermine partnership potential. It is clearly possible to pursue a positive and constructive process and yet arrive at unsatisfactory outcomes. As Te Uri o Hikihiki observed, DOC personnel are constrained by legislative frameworks:

They [the local DOC conservationists] . . . are awesome. They are uplifted and edified by the way we [tangata whenua] talk. Their passion is for

conservation, and they hear these guys [tangata whenua] talking a different language, but saying the same thing . . . But they get run over by their own wheel . . . hog tied by their own beast. (Carmen Hetaraka, interview, May 1, 2012)

Although Te Uri o Hikihiki conceived of empowerment as being incrementally achieved, the “advisory committee” model cannot be seen as delivering “Maori development on its own terms, for its own purposes” (O’Sullivan 2007, p. 30). Current legislation provides for, at best, the incremental reclamation of authority and cultural practice and has difficulty reconciling fundamental customary rights with conservation goals. Notwithstanding the sincere pursuit of flexible, negotiated partnerships, the relatively weak “advisory committee” mechanism is a persistent structural impediment to innovative shared-governance arrangements. This framework obstructs effective postcolonial conservation and, as a consequence, constitutes an impediment to participatory conservation activities in general.

Whatever frameworks establish conservation areas, these should necessarily recognize and accommodate enduring indigenous customary rights and cultural interests. Co-management in which local people provide advice must be seen as increasingly unacceptable, particularly in the context of persistent Maori aspiration for self-determination. Although there exist examples of constructive co-management and governance arrangements established through treaty settlements, current frameworks for effecting conservation partnership remain underdeveloped.

## Conclusion

This article has presented an account of the conservation partnership formation observed as part of the project to establish a marine reserve at Mimiwhangata, on the northeast coast of Aotearoa/New Zealand. Partnership and the devolution of management and governance with respect to conservation are key issues in contemporary New Zealand constitutional politics and inform the development of conservation policy and activity. The article finds that a strong commitment exists, particularly at a local level and within the Department of Conservation, to realize the ideals expressed within partnership discourse. The examination of the Mimiwhangata project finds that a willingness to recognize local authority, a willingness to engage in meaningful dialogue, and a willingness to demonstrate flexibility and creativity when addressing difficult issues are important in maintaining effective partnership. Nonetheless, unless structural change occurs, particularly legislative reform allowing meaningful authority and decision-making control to be devolved to tangata whenua, the extent to which partnership-based conservation measures can be effective remains seriously limited.

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## Notes

1. For explanation of this process see Orange (2011), Belgrave (2005), and Belgrave et al. (2005).
2. A glossary of Maori terms used in this article is available at the end of the document (see Appendix).
3. See boundaries of existing Marine Park, shown later in Figure 1.
4. See page 8.
5. For example, see Department of Conservation (2004a; 2006a; 2006b).
6. See Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act of 2010 and Office of Treaty Settlements (2012).
7. The “principles of the Treaty of Waitangi,” as articulated in government and DOC discourse are the principle of government; the principle of self-management; the principle of equality; the principle of reasonable cooperation; and the principle of redress. See *General Policy* (DOC 2005).
8. For example, Te Tapuwae o Rongokako Marine Reserve, near Gisborne, NZ, is administered partly through an advisory committee.
9. The Department of Conservation’s national operations are divided geographically into “Conservancies” and, within these, “Areas.” Whangarei is the location of both the Northland Conservancy Office and the Whangarei Area Office, whose personnel work alongside each other frequently.
10. Trust boards and other tribal governance entities established by law are “mandated iwi authorities” for the purposes of the Resource Management Act of 1991 and Maori Fisheries Act of 2004. Traditional authority remains with local communities.
11. For example, in 2004 several local schools were identified for closure by the Ministry of Education and later closed, in the face of local opposition (*New Zealand Herald* 2004).
12. Other stakeholders were involved in this process also, but were peripheral to the core partnership, including Ngatiwai Trust Board, local government authorities, other government departments (e.g., the NZ Ministry of Fisheries), and other community groups.
13. Limited customary management of fisheries of this nature is possible through the Fisheries Act of 1996.
14. As noted, section 56 of the Conservation Act of 1987 provides for the establishment of ministerially appointed advisory bodies to provide guidance to the Minister of Conservation concerning reserve management.
15. A marine reserve application is made to the DOC Director-General and then to the Minister of Conservation, under the Marine Reserves Act of 1971. In practice, applications are generally made by the Department of Conservation, frequently in partnership with other organizations, such as universities, community groups, and Maori.
16. Traditional fisheries management is possible under the provisions of the Fisheries Act of 1996.

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### **Appendix: Glossary of Maori Terms**

hapu—subtribe

hui—meeting/to meet

iwi—tribe

kaitiaki—guardian

kaitiakitanga—guardianship

kaumatua—elder (male)

kaupapa—policy/project

korero—to speak; consultation

kuia—elder (female)

mana—authority

mana whakahaere—authority to lead

mana whenua/moana—customary authority over land/sea

marae—central Maori community institution; meeting place

Ngatiwai—largest tribal group of region; of which Te Uri o Hikihiki and Te Whanau Whero are subtribes

rahui—protection or closure of an area; a specific location

tauwi—nonindigenous people

tangata whenua/moana—people of the land/sea

Te Uri o Hikihiki [hapu]—the descendents of Hikihiki, local Mimiwhangata hapu

Te Whanau Whero [hapu]—the descendents/family of Whero

tino rangatiratanga—chieftainship; autonomous authority and control

whakapapa—genealogy