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BUILDING INSTITUTIONS FOR SUSTAINABILITY: A NEW
ZEALAND CASE STUDY

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A dissertation submitted in fulfilment of the requirements for the degree of Doctor of
Philosophy in Geography, The University of Auckland.

6 July 2005
THE UNIVERSITY OF AUCKLAND

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ABSTRACT

One of the most important challenges facing Western capitalist societies at the beginning of the 21st century is how to achieve sustainable economic, social and environmental futures. The successful translation of the principles underpinning sustainability into concrete outcomes is dependent on the institutional context within which political contests over alternative futures take place. It is as important to build an institutional fabric that preserves sustainability options for future generations as preserving the environment itself.

The importance of aligning juridical-political institutions with the principles of sustainability has become embedded in international political agreements, global action plans such as Agenda 21 and national and international policy discourses. Yet little attention has been paid to investigating the impact of juridical-political institutions on the achievement of sustainable futures let alone implementing these recommendations.

Between 1984 and 1991 New Zealand actively reconfigured its juridical-political environmental institutional fabric. The reform process was driven by a desire to create a new market based long wave of economic growth and to actively incorporate the principles underpinning sustainability into the juridical-political institutional fabric. The reforms involved the restructuring of the national state's environmental bureaucracy, the reorganisation of regional and local government and a comprehensive review of environmental and planning legislation that resulted in the enactment of the Resource Management Act 1991 (RMA).

This dissertation aims to test common assumptions about the importance of juridical-political change for sustainability. It investigates the extent to which juridical-political institutions help to secure sustainable outcomes drawing on a geographically inspired, theoretically informed investigation into recent attempts to manage the water quality of New Zealand's largest lake, Lake Taupo. The dissertation argues that juridical-political institutions for sustainability have a regulatory role and a governance role. In the former instance, they attempt to redefine the relationship between economy, society and environment in a manner that supports continued capitalist accumulation. In the latter instance, they establish the rules within which particular contests over environmental futures are fought. The precise outcome of contests over the environment depends on the complex interaction of institutions, material factors, actors, strategies and discourses. Juridical-political institutional change may help to steer society towards sustainability. It does not, however, guarantee sustainable outcomes. While it is important to build juridical-political institutions that incorporate the principles underpinning sustainability the process of achieving sustainability requires also requires reflexive political action and value change through society.

Key words: juridical-political institutions, sustainability, regulation, governance, water resource management, New Zealand, Resource Management Act 1991.
To my dearest mother and father and to my grandmother Ruth who always wanted to see what I would do when I grew up
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Finally, just as I was starting the process of writing this dissertation I stumbled across some wise words from an anonymous Chinese philosopher: "These days the world's events are strange: they say this and they say that. There is no point arguing. I am better off dozing." After so many years of study, countless exams and innumerable essays, research papers and dissertations, I agree.
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List of Abbreviations

CA The Court of Appeal of New Zealand
CCMAU Crown Company Monitoring and Advisory Unit
CRI Crown Research Institute
DoC Department of Conservation
DSIR Department of Scientific and Industrial Research
ECC European Economic Community (now the European Union)
EW Environment Waikato
FoRST Foundation for Research, Science and Technology
FTE Fulltime equivalent
GDP Gross Domestic Product
HC The High Court of New Zealand
ICM Integrated catchment management
IRM Integrated resource management
KWNS Keynesian welfare national state
LGA Local Government Act (1974 (repealed) or 2002)
MAF Ministry of Agriculture and Forestry
MfE Ministry for the Environment
MWD Ministry of Works and Development
NCC Nature Conservation Council
NIWA National Institute of Water and Atmospheric Research
NZCPS New Zealand Coastal Policy Statement
NZLR New Zealand Law Reports
NZRMA New Zealand Resource Management Appeals
OECD Organisation for Economic Co-operation and Development
PCE Parliamentary Commissioner for the Environment
QUANGO Quasi-autonomous non-governmental organisation
RA Regulation Approach
RMA Resource Management Act 1991
SOE State Owned Enterprise
SWPR Schumpeterian workfare postnational regime
TCPA Town and Country Planning Act 1977 (repealed)
TDC Taupo District Council
TLC Taupo Lake Care
TMTB Tuwharetoa Maori Trust Board
TPK Te Puni Kokiri (Ministry of Maori Affairs)
UAGC Uniform annual general charge
VAST Vibrant and Sustainable Taupo
WSCA Water and Soil Conservation Act 1967 (repealed)
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New Zealand Government


Taupo District Council

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