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Valuation as destruction? The social effects of valuation processes in contested marine spaces

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ABSTRACT

Valuation encompasses far more than the practice of estimating the financial value of environmental services and changes. It extends to almost any socio-political process in which local actors seek to shape the development of their places and environments by describing what matters about these places. This paper draws on diverse engagements with participants involved in high-profile marine development decisions in New Zealand to examine value-articulating institutions (VAIs), i.e., the formal and informal ways that values of affected parties are elicited, received and evaluated by decision-makers. Our study shows that formal VAIs can be alienating for many participants, demanding huge investments of time and personal sacrifices, demoralising members of communities when their local knowledge and expertise is delegitimised. Such processes can leave communities shaken, conflict-riven and unhappy, and undermine the legitimacy of democratic institutions. All VAIs are imperfect – using informal along with formal VAIs can provide alternative spaces for people to present and describe their values. The paper describes in situ experiences that provide an informal alternative to more formal VAIs.

1. Introduction

Calls for values and valuation to inform marine policy have become commonplace [8]. The process of environmental valuation, in its broadest sense, is one of eliciting, compiling, analysing and considering evidence about what matters about a place and how these things – values – might be affected by changes to the place and the activities that occur there [1]. Valuation is sometimes performed using tools such as cost-benefit analysis to assess the pros and cons of a proposed activity or policy intervention, and valuation frameworks are used to place values into categories such as direct, indirect, and non-market costs and benefits [9]; instrumental, relational, and intrinsic values [3]; or economic, environmental, cultural, and social values [28], to name a few.

There have been numerous critiques of valuation frameworks and especially of the economic approach to value [30,6]. Attempts to overcome the shortfalls of singular or partial approaches to valuation have produced sophisticated and comprehensive frameworks developed by multi-disciplinary teams of experts [16,23]. While such frameworks may improve representation of a broad suite of values for consideration by those involved in decision-making, they remain subject to social processes framed by political and institutional constraints [33]. Valuation tools and frameworks are not neutral – in terms of what values get identified and how these values are assessed [36]. As Ernstson [5] points out, "…there is no innate order of value between objects – values are constructed and hierarchized through social processes."

While valuation is often understood narrowly as an exercise in assigning a quantitative estimate of financial worth, valuation in this paper includes processes for assessing a broader range of values, such as those that are difficult or impossible to quantify in monetary terms [2]. Agencies responsible for environmental planning (governments, courts,

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etc.) typically have a place in their decision-making processes for individuals and organisations to make submissions – that is, present written or oral evidence about their values and how they would be affected by a proposed development or law change. These processes are referred to hereafter as "submission processes". In the context of environmental decision-making, value articulation refers to the ways in which people construct their arguments, make statements about the importance of a place and engage in planning processes – often in contestation with developers and those who articulate opposing values and arguments about how to use those same places [5].

Value-articulating institutions (VAIs) are the processes and practices through which such values are elicited, expressed and assessed [11,37]. This follows North's definition of an institution as "the humanly devised constraints that structure political, economic and social interaction" ([21], p97), including both formal (e.g., legislation) and informal institutions (e.g., cultural norms).

Understanding submission processes and court proceedings as value-articulating institutions provides a theoretical lens for examining whether such processes and frameworks might favour particular interests and privilege certain types of knowledge and expertise. Vatn argues that valuation methods should be critiqued because they influence how a value is characterised, which aspects of a value are emphasised and how they are measured. "More fundamentally", he adds, "they influence which rationality is supported in the … process" ([37], p2207).

At a local level, political struggles over contested space may be illustrated through competing networks of value articulation that trace how actors, through social practice, use artefacts (e.g., evidence, expertise) and social arenas (e.g., courtrooms, public meetings, government offices) to present their values to decision-makers [5]. "When 'values' or 'benefits' are not viewed as given or as objectively measureable, they instead become inherently contested and only established, or stabilized, through social practice… [I]n order for something to be seen as having a value, there needs to be actors who can describe that something and explain its value" ([5], p12, citing Sörlin [29]). Examining the sorts of artefacts that values-holders employ to present their concerns and arguments, and how this is affected by the arena, helps to illustrate how valuation processes lead to certain effects, as well as how they could be done differently.

This study examines how people in the Marlborough Sounds region in New Zealand experienced the process of evidencing and arguing for their values in public submission processes relating to developments in their marine environment. This study was motivated by an interest in how participants in valuation processes can most effectively articulate those things that deeply matter to them. Through interviews, engagement with local indigenous people, a field trip and workshop, the research team gained insights into the effects of valuation processes and how people experience them. These experiences, engaging with Māori (the indigenous people of New Zealand) and other local values-holders, enabled the researchers to explore other value-articulating institutions that have different effects.

The next two sections of the paper describe New Zealand's legislative context and introduce the Marlborough Sounds region. Section 4 describes the methods employed. Empirical evidence in Section 5 describes a range of effects of valuation processes that were uncovered in the research. A discussion of the empirical data follows in Section 6, with reflections on other ways of articulating and receiving values. The concluding remarks suggest how valuation processes might acknowledge the legitimacy of divergent worldviews and multiple ways of expressing values, thereby providing a safer space for people to participate and supporting the legitimacy of democratic institutions.

2. Coastal management in New Zealand

In New Zealand, the Resource Management Act 1991 (RMA) governs most resource use and development in the coastal environment and is administered by locally elected councils, subject to national standards and policy directives. A person wanting to occupy or disturb the foreshore or seabed, or discharge into the coastal environment, must obtain planning permission from the relevant regional or district council. Typically, applications involving potentially significant adverse effects are publicly notified, interested parties are invited to make written submissions and hearings are held, then councillors and/or independent commissioners decide whether to approve the applications and, if so, with what conditions. Decisions can be appealed to the Environment Court and, on points of law, to higher courts. The Minister for the Environment can refer cases of national significance to the Environmental Protection Authority (EPA), bypassing the local council and the Environment Court. EPA decisions may only be appealed to the higher courts on points of law. A 2011 amendment to the RMA empowers the Minister of Aquaculture, following consultation, to amend a council's planning rules that relate to aquaculture activities.

The Ministry of Primary Industries (MPI) manages commercial, recreational and customary fishing under the Fisheries Act 1996. Catch limits, gear restrictions and area controls are reviewed through a process involving scientific assessments, working groups and public submissions before the Minister of Fisheries makes decisions. There is no statutory appeals process though decisions can be challenged on points of law. In addition, MPI issues marine farming permits under the Fisheries Act to address any conflict with fishing; marine farms also need planning permission under the RMA.

MPI also has lead responsibility for managing invasive species under the Biosecurity Act 1993, while the Department of Conservation, under various statutes, is responsible for marine reserves and the protection of marine mammals. Maritime New Zealand administers the Maritime Transport Act 1994, and other agencies have various other roles under a range of legislation [15]. Most of these statutes require public consultation before decisions are made but these processes are less formal than those required by the RMA and Fisheries Act.

There is thus no typical decision-making process for marine management in New Zealand. Most decisions made by central or local government allow for written submissions from members of the public, sometimes followed by hearings and with varying opportunities for appeal. As will be seen in the cases described below, the various processes have left many people feeling disenchanted and disempowered.

3. Marlborough Sounds, New Zealand

The area known as the Marlborough Sounds is located on the northeast corner of New Zealand's South Island (Fig. 1). Several iwi (tribes of Māori, New Zealand's indigenous people, descended from a common ancestor and associated with a distinct territory) have affiliations with the area, including (in alphabetical order) Ngāti Koata, Ngāti Kuia, Rangitāne o Wairau and Te Ātiawa o Te Waka-a-Māui. Some iwi used their earlier access to firearms to win control of favoured sites from other iwi in the early 1800s before British colonisation largely put an end to inter-tribal conflict [26], but rivalries remain. Colonists engaged in dubious land purchases from iwi chiefs, resulting in widespread dispossession of land and subsequent claims of violations of the Treaty of Waitangi 1840. The Treaty, New Zealand's founding document, promised that Māori would enjoy "full exclusive and undisturbed possession" of their lands, forests and fisheries so long as they wished to retain them [34].

The Marlborough Sounds has a highly indented coastline with many sheltered bays, popular with commercial and recreational fishers, sailors, marine farmers, owners of vacation homes and tourists. Conflict has emerged in relation to environmental degradation, indigenous rights, and competition between commercial developments and marine conservation. One of the inlets, Queen Charlotte Sound, is also an important navigation route for the passenger and cargo ferries that connect New Zealand's two main islands, making the Marlborough Sounds and its scenic beauty accessible to the public and international tourists.

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