Accountability for risk in the deep sea petroleum exploration arena

A critical discourse analysis

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Acknowledgements

Abstract

This research aims to take an interdisciplinary approach to examine how two different strands of literature, sociology of risk and the Māori guardianship value of kaitiakitanga, can inform corporate, public and personal accountability in a conflict arena. This is not limited to economic accountability, but includes social, environmental and cultural impacts. Risk, accountability, and kaitiakitanga are deeply embedded in culture and socially constructed by actors within that culture. Furthermore, methods of managing accountability and risk are products of the prevailing culture within a society, including reporting, risk communication, and the precautionary principle.

The conflict arena in this study is the engagement around deep sea petroleum exploration in Aotearoa New Zealand. This was selected because it is a relatively new practice in New Zealand and has caused significant controversy. As an overarching methodology, a critical discourse analysis has been used. Within critical discourse analysis, Renn's (1992) arena framework has provided the investigative tool to examine communications among actors and how they relate to one another, and Beck's (1992) risk society has been used as a lens to understand why actors behave in this manner. Conversations were held with vocal actors who are actively engaged in the deep sea petroleum exploration arena including industry and government agency representatives, activists, iwi members, city councillors, opposition MPs, local business owners and media in order to hear their stories and interpretations of the conflict. Additionally, documentary and media reviews were performed to contextualise and further develop findings.

This research has uncovered the discourse tool woven throughout accountability, risk and environmental politics, which is the use of powerful story-lines. "Risk refers to uncertainty about and severity of the events and consequences (or outcomes) of an activity with respect to something that humans value" (Aven & Renn, 2009, p. 6) - or what could happen. Accountability is providing a credible story about what is happening now, what could happen next, how one will respond, and why an activity should or should not go ahead.

The most significant contribution of this thesis is a broadly constructed interpretation of accountability for risk in a controversial, environmentally sensitive industry from a range of social and cultural perspectives. This research will also provide insights into how multi or transnational corporations and affected stakeholders engage with one another, and how this can be emulated or improved by all actors involved.

Abbreviations

APR: Accounting Profits Royalty

AVR: Ad Valorem Royalty

EEZ: Exclusive Economic Zone

EPA: Environmental Protection Authority

IPCC: Intergovernmental Panel on Climate Change

MBIE: Ministry of Business, Innovation and Employmen

MRAG: Māori Research Advisory Group

NZP&M: New Zealand Petroleum and Minerals

PEPANZ: Petroleum Exploration and Production Association of New Zealand

RMA: Resource Management Act 1991

SEA: Social Environmental Accounting (or Accountability)

Chapter One: Introduction

More often than not, there is a gap between what is expected of individuals and organisations, and what they expect of themselves. When a multi or transnational corporation is operating in a controversial and environmentally sensitive industry, this gap is amplified. It is important to understand how accountability is discharged by organisations, both private and public, and how this accountability is received and perceived by the actors concerned with that activity. This gap is further amplified when actors engaging around an issue have vastly different interpretations of the risks of that activity. This then comes down to a matter of being accountable for what *could* happen in the future, or accountability for risk. Because this is a debate about the future, which is uncertain, and risk is a social construct, this engagement can become a contest over something for which nobody has the answer. This provides significant challenges for a range of actors, but also a unique opportunity for research.

At a time when prominent figures are talking about a climate crisis rather than climate change (Klein, 2014), deep sea petroleum exploration provides an ideal arena to examine accountability for risk. The one-two punch (Klein, 2014) of an economy built on fossil fuels is that when things go wrong, the results can be catastrophic - the interred carbon escapes at the source in the form of a spill or blowout. If it goes right, then carbon is successfully released into the atmosphere and the results, perpetuating the climate crisis, can also be catastrophic (Klein, 2014). Because of this, the stark reality of fossil fuel extraction is no longer just the problem of far-off communities. It is *our* problem. Despite this, it is difficult to deny, that to continue our affluent lives as we know them, we need fossil fuels for the foreseeable future. Oil is the engine of the world economy (Rahman, 2004), and human ingenuity has thus far mitigated against a depletion of petroleum resources. One form of this ingenuity is deep sea petroleum exploration.

The question for most actors is whether the *costs* of deep sea petroleum exploration outweigh the *benefits*. This cliché pervades documentary and media evidence surrounding the issue and is much more loaded than it appears. This sort of language reduces the entire issue down to a simple economic model, a cost-benefit analysis. This model will never fully *account* for any issues which are beyond quantification. Sometimes these issues or values are what actors in the arena are driven by and the cost-benefit metaphor obscures the value judgements built into economic models. Having economic models pervading our relationships with

each other can privilege actors who share values with economic modelling at the expense of those who value non-quantifiable aspects of life and the world (Bebbington, Brown & Frame, 2007).

According to the Prime Minister, New Zealand is "the Saudi Arabia of Australasia" (Key, 2015) because of its current economic situation. Since 2010, the centre-right, National led Government of New Zealand has pursued an aggressive petroleum exploration programme to "unlock New Zealand's petroleum potential" (Key, 2010). Petroleum exploration is a novel activity for most areas of Aotearoa New Zealand and since the Deepwater Horizon[1] and Rena[2] disasters, the spectre of an oil spill, along with scientific consensus on the climate crisis have become stigmatising forces. Therefore, this activity presents an advantageous research opportunity to examine accountability for risk and engagement in a conflict arena.

Thus far only one U.S. based organisation, Anadarko Petroleum Corporation (Anadarko), has conducted exploratory drilling for petroleum in the deep sea off the East Coast of Te Waipounamu, the South Island of New Zealand. Because this research is based at the University of Canterbury in the same area, it is engagement among actors around Anadarko's operations which will be the predominant focus of this research. However, as will be shown in the following chapters, general themes arising are that petroleum exploration is not just a local engagement. Actors from across the country and globe become involved.

1.1 Methodological overview

This research takes an interdisciplinary approach to examine how different strands of knowledge - kaitiakitanga[3] from Māori culture and sociology of risk - can inform corporate, public and personal accountability. This is not limited to economic accountability but includes social, environmental and cultural impacts. Risk, accountability, kaitiakitanga and democracy are deeply embedded in culture and socially constructed by actors within that culture. Furthermore, methods of managing accountability and risk are products of the prevailing culture within a society, including reporting, risk communication and the precautionary principle. Three questions of critical importance are:

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[1] The Deepwater Horizon oil-rig explosion in the Gulf of Mexico killed 11 workers and caused immeasurable levels of economic, environmental, social and cultural damage. See Windsor & McNicholas, 2012.
[2] The Rena was an offshore owned container ship which struck the Astrolabe Reef off the coast of Tauranga in 2011. Over 350 tonnes of oil leaked from the ship, as well as debris from containers. The wreck remains on the reef to this day, and it has been described as New Zealand's "worst environmental disaster" (Robson, 2012).
[3] Kaitiakitanga is a Māori cultural value which translates roughly to imply guardianship, protection, care and vigilance (Kamira, 2003). It introduces the idea of an intergenerational responsibility and obligation to protect, rather than implying ownership (Kamira, 2003). This will be discussed in depth in Chapter Three.

- How and why do different perceptions of accountability and risk arise in a conflict arena?

- How can the Māori guardianship value – katiakitanga - inform corporate, public and personal accountability for risk in a conflict arena?

- What are the practical manifestations of accountability and kaitiakitanga in this arena and how can these be improved?

The use of Renn's (1992) arena framework following from Georgakopoulos and Thomson (2008) is appropriate for examining the discourse around deep sea petroleum exploration. The arena metaphor allows the differentiation of stakeholders and the consideration of interactions and engagement dynamics (Renn, 1992). The metaphor alters the entity concept away from a single organisation towards an issue around which different organisations engage (Cooper, Taylor, Smith & Catchpowle, 2005, as cited in Georgakopoulos & Thomson, 2008).

Beck's (1992) concept of the risk society is related to his theory of reflexive modernisation and will serve as the theoretical lens to this research. Beck (1992) argues that when chasing industrial development and opulence, risks and possibilities are two sides of the same coin (Beck, as cited in Fredriksson, 2009). Beck (1992) suggests that as a consequence of structural transformation and the dissolution of social boundaries, the discourses of responsibility have become dominated by multiplicity, uncertainty, and ambivalence. According to Beck, the drive for economic development has led to incalculable risks, and the true nature of certain risks are ignored in the discourse of industrial society (Beck, as cited in Fredriksson, 2009). Within discourse analysis, Renn's (1992) arena framework will provide the investigative tool to examine communications among actors and how they relate to one another, and Beck's (1992) risk society will be used as a lens to understand why actors behave in this manner.

Semi-structured conversations were held with vocal actors who are engaged in the deep sea petroleum exploration arena including industry members, activists, government agency representatives, iwi members, city councillors, members of parliament (MPs), local business owners and media[4]. The conversations heard the stories of the conflict (Walton, 2007), and provided accounts of insiders' interpretations of the context (Phillips & Hardy, 2002, as cited in Walton, 2007). It is important to note at this stage, that because of the arena metaphor, participants were selected based on positions prescribed by the metaphor. These labels or

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[4] A brief outline of the role that actors play in this arena is attached in Appendix One.

constructs are not specifically of their choosing, it is my interpretative lens. Activists can be academics, MPs can be business owners, and city councillors can be industry representatives. Therefore, these labels are suitable for this thesis, but are not necessarily representative of reality.

1.2 Motivation

This research is centered on the engagement of a number of actors around the operations of Anadarko off the coast of the South Island of New Zealand. I have focused on this engagement because I live in the Canterbury region, and am a recently registered member of South Island based iwi[5], Te Rūnanga[6] o Ngāi Tahu. Ngāi Tahu and the Christchurch City Council's engagement with Anadarko was an early inspiration for this work. I see this research as a space to explore and reconcile my traditional Western education in accounting with my new found vigour for Māori knowledge and custom. This has been a challenging opportunity to advance my own knowledge, as well as societal knowledge.

The focus of this research derives from the view that the concept of accountability can be fundamentally radical (Owen, 2008). When business leaders and politicians demonstrate a "profound reluctance to be held remotely accountable for any actions they take" (Owen, 2008, p. 255), the study of accountability has significant empancipatory potential. Instead of focusing on managerial actors, this research focuses on a diverse range of actors engaging around an issue. Owen (2007) refers to the prevailing managerialist focus as a deficiency in research, and argues that if there is a true desire for practical change then this deficiency must be addressed. Opening up this research to stakeholders has revealed where the less comfortable areas of conflict lie (Owen, 2008). In order to hold the powerful to account for their actions, voice must be given to the less powerful.

1.3 Thesis overview

This thesis is structured as follows. Chapter Two will provide context to the arena, or the discourse(s) used within the arena. The context will be an outline of specific points of political, economic, social, and environmental interest that I have interpreted as being important to understand the arena. This chapter is essential because context determines what is or can be said *meaningfully* (Hajer, 1995). Chapter Three is a

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[5] Iwi is a broad term taken to mean an extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor and associated with a distinct territory (Māori Dictionary Online, n.d)
[6] A rūnanga is a traditional assembly, gathering or tribal council.

review and synthesis of prior literature focusing on three strands: accountability, sociology of risk and kaitiakitanga. This is important to identify gaps in prior strands of literature which this research can inform. As well as this, the literature review can identify parallels between the sometimes independent strands of literature that may inform one another. Chapter Four will set out the methodological framework, theoretical lens and methods of this research as well as personal reflections, which are paramount for a student research project. Chapters Five and Six will provide summaries of the results of the data-collection process. In Chapter Five the conversations with actors around perceptions of kaitiakitanga, accountability and risk will be analysed. In Chapter Six, opportunities for discharging or receiving accountability for risk, or public participation, will be examined. Chapter Seven will be a discussion exploring how prior literature, the theoretical lens, and the findings from this research can inform one another to try and explain how and why actors engage with one another in a conflict arena. Chapter Eight will conclude the thesis with thoughts, recommendations for policy and practice, and opportunities for further research.

This research has found that what actors expect from accountability in the arena is in line with what actors see as their personal responsibility. What is expected from accountability is not an account of what is *going* to happen and certainly not what *has* happened. It is a responsibility. It is the responsibility of decision-makers to consider the Other[7] in decision-making and when considering the Other, to consider the risks, both techno-scientific and sociologically derived, in these activities. In this way accountability and risk communication are one and the same.

The work has also shown that actors expect the ability to 'have a say' and have this listened to by authorities. This is what actors expect from government and agencies in terms of public accountability. This ability to 'have a say' did not necessarily have to affect the final outcome, it was about actors feeling that their views were considered. Agonistic democratic accountability literature (Brown, 2009; Dillard & Brown, 2012; Brown & Dillard, 2013; Brown & Dillard, 2015, Byrch, Milne, Morgan & Kearins, 2015; and Tregidga, Milne & Kearins, 2015) has provided significant insight for this finding. In practice, this consideration has simply not been allowed for in the current regulatory framework around deep sea petroleum exploration. When the industry and public agencies are engaging at a level *above* what is formally required because it is the acceptable social norm, it indicates that the regulatory framework, although brand new and 'world-class',

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[7] See Chapters Three, Five and Seven for discussion of the Other.

is lagging behind the 'social norm'. New Zealand has not seen this level of public accountability from the Government. Instead, it is apparent that there has been a deliberate reduction of accountability and participation opportunities.

Chapter Two: Contextualising the arena

Oil is the "engine of the world economy" (Rahman, 2004). It cannot be denied that oil is essential for both the economy and society in the form that these take today. Oil is a fundamental input to manufacturing, transport, and agriculture. In New Zealand, oil is used to power 99.6% of transport, 23% of industry and heating, but only .01% of electricity generation (Generation Zero, 2014). Because New Zealanders value the independence that private transport allows, and rely on carbon-based products for manufacturing and agriculture, this reliance on oil is seen as a necessity. Since 2010, the incumbent centre-right Government has opened up New Zealand's shores to deep sea petroleum exploration despite opposition from many stakeholders (Hughes, 2014).

The aim of this chapter is to contextualise the discourse around petroleum exploration in New Zealand by providing an overview of significant points, as well as different features of the arena, which are contested by actors. Firstly, there will be an overview of the petroleum industry in Aotearoa New Zealand, including production, exports, government involvement, and taxation and royalty structures. This will be followed by an outline of deep sea petroleum exploration, the processes involved, and a brief overview of the contested risks. Next, I will discuss the involvement of Māori, the indigenous people of Aotearoa New Zealand in the arena. It is also important to consider the key industry players and mechanisms operating in New Zealand - this will be considered in section four. When examining corporate and public accountability, it is necessary to address the legislative and regulatory framework within a region around an activity, which will be done in the fifth section of this chapter. Finally, given the activities discussed have caused significant backlash and resistance, a brief overview of significant activist actions around deep sea petroleum exploration will be provided.

2.1 An overview of petroleum in Aotearoa New Zealand

2.1.1 Petroleum production and consumption in New Zealand

Although oil is the most commonly discussed resource (deep sea oil, oil free seas, etc.), technical experts agree that gas is the most likely petroleum resource to be found in commercial quantities within New

Zealand's Exclusive Economic Zone[8] (EEZ) (Laugesen, 2013). This includes the area off the Canterbury coast, on which this research is mainly focused. For clarity, when referring to deep sea drilling/exploration, I am referring to hydro-carbons in general. From an economic perspective, the reality of a large-scale find is that even if it is oil rather than gas, it is likely that the crude product will continue to be exported. If a large amount of gas is found however, it will be consumed in New Zealand, as the transport of gas is problematic. New Zealand adheres to the world price of petrol at the pump so it is unlikely that a large-scale find will reduce petrol prices for consumers (Sharp & Huang, 2011), which is a common misconception.

Crude oil is New Zealand's fourth biggest export (after dairy, meat, and wood) and due to the long delay between exploration and production, this is likely to increase into the future. Between 2007 and 2012, crude oil exports increased from $475 million NZD to $2.023 billion NZD, which also makes it the fastest growing export in New Zealand. Despite this, it still makes up only about 4.3% of the value of total exports. Dairy products, for example, make up close to 25% (Statistics New Zealand, 2013).

The discovery of petroleum does have the ability to boost a country's economy and improve the wellbeing of the citizens within that country. For instance the Norwegian Government Pension Fund (formerly The Petroleum Fund of Norway) is the highest ranked pension fund in the world and has assets worth approximately $882 billion USD (SWF Institute, 2015), all funded from nationalising oil wealth. This is equivalent to approximately $174,308 USD per Norwegian citizen. When I wrote the research proposal for this thesis, the fund was worth $838 billion. However there are necessary public structures to be put in place in order for these sorts of benefits to accrue, so it will be worth exploring how these structures manifest in New Zealand.

2.1.2 Government involvement

To ensure ease of investment, the Government has made the exploration and investment environment as appealing as possible (Ministry of Business, Innovation and Employment, 2013). In 2013, the Minister for Energy and Resources, Simon Bridges, officially thanked the petroleum industry for their input to reforming the Crown Minerals Act 1991. "I thank you for your tireless efforts to help make our laws and regulations

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[8] The Exclusive Economic Zone is made up of areas of sea, seabed, and subsoil that are beyond and adjacent to the territorial sea of New Zealand (Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977) and will be discussed further later in this chapter.

world-class" (Bridges, 2013). It is clear that the current Government is supportive of this industry, so it is necessary to examine the potential benefits for both the Government and the public.

2.1.2.1 Royalties

Currently the status quo of the royalty scheme is either 5% AVR[9] (ad valorem royalty) or 20% of APR[10] (accounting profits royalty), depending on which gives a higher result. A report prepared by the Ministry of Economic Development (2012b) (now the Ministry of Business Innovation and Employment (MBIE) assessed the strength of the scheme. The report found that the status quo was the best option in terms of balancing risk, return and complexity, without discouraging investment. The New Zealand Government collects around $400 million per year in royalties from petroleum activities (Ministry of Economic Development, 2012a). In another report, prepared by Woodward Partners (2011), the authors attempt to value the royalty streams from future discoveries, using three probable outcomes from a low outcome of $1.6 billion to a high outcome of $10.3 billion, between 2010 and 2050. This could be a significant contribution to the Government's consolidated fund, but by comparison internationally, it is the fourth lowest (Norman, 2014) or "fourth most fiscally attractive jurisdiction" (Ministry of Economic Development, 2012b, p. 14) depending on the framing one chooses to use. When compared to Norway, which is ranked 31st in the same index, one must be wary of making comparisons for New Zealand of a North Sea style "next big bonanza" (Anderson, 2011).

2.1.2.2 Taxes

Corporate tax is currently set at 28% (Inland Revenue Department, 2014) and the New Zealand Government collects around $300 million in corporate taxes from the petroleum industry (Ministry of Economic Development, 2012a). However, it is important to note the ability for companies to structure earnings in a way that reduces tax liabilities. For example, Anadarko NZ is registered in the Cayman Islands[11] (Vance, 2014). The company's New Zealand manager, Alan Seay, says it is entitled to register elsewhere. "We pay

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[9] "This is five percent of the net sales revenues. Net sales revenues are defined as the sum of total gross sales of petroleum plus the value of petroleum not sold, but on which royalty is payable (e.g. own-use fuel), minus any allowable netbacks (or plus any net forwards). Netbacks (net forwards) means that portion of the sale price that represents the cost of transporting and/or storing and/or processing the petroleum between the point of valuation and the point of sale" (Ministry of Economic Development, 2012b, p. 9).

[10] "This is 20 percent of the accounting profit of petroleum production. In calculating the accounting profit, the same net sales revenues are used as for the AVR. Deductions are then made to determine the accounting profit" (Ministry of Economic Development, 2012b, p. 9).

[11] Anadarko NZ is registered at Ugland House in the Cayman Islands. There are around 20,000 companies registered to this building and it is linked to tax avoidance strategies. "In 2009, US President Barack Obama called it 'either the biggest building in the world or the biggest tax scam in the world'" (Vance, 2014).

the tax we are legally required to pay," he said. "It's not unusual for companies to register in places where there may be advantages to doing so" (Vance, 2014). According to their 2013 annual report, Anadarko New Zealand Company paid no corporate income tax that year (Anadarko New Zealand Company, 2014). This is predominantly because they were exploring rather than producing, and were also not a New Zealand tax resident company. It is important that the benefits of corporate tax not be inflated. The 42 cents in the dollar[12] (Bridges, 2014) figure that is often used to appease community concerns is a maximum figure rather than a minimum or average.

2.1.2.3 Subsidies and additional support

Although the New Zealand Government does not provide direct cash transfers to the petroleum industry, it does provide subsidies in different forms. If a subsidy can "be thought of as a financial transfer whether through direct payment or revenue foregone, that creates an incentive for the production" (WWF, 2013, p. 2) of fossil fuels, then the New Zealand Government provided around $46.29 million in support for the oil and gas industry in 2013, comprising oil rig income tax exemptions, tax deductions for petroleum mining, acquisition of exploration data, and research and development (WWF, 2013, p. 6). Below is WWF's breakdown of the subsidies.

Table 1: Fossil fuel subsidies in New Zealand

Figures in millions $NZ

Measure	2008/09	2009/10	2010/11	2011/12	2012/13
Production support					
Oil rig income tax exemption*	0	2.5	5	5	5
Tax deduction for petroleum mining**	0.2	12	20	26	35
General Support					
Acquisition of exploration data	2.93	5.69	12.30	1.84	3.88
Research and development	2.78	2.41	2.41	2.41e	2.41e
Sub total: support for oil & gas industry	5.91	22.6	39.71	35.25	46.29
Consumption support					
Motor Spirits excise duty refund***	34.68	32.51	35.64	35.38	38.63
Total	40.59	55.11	75.35	70.63	84.92

Source: WWF, 2013, p. 6

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[12] The Government allegedly gets 42 cents from every $1 of profit made in the petroleum industry. This is made up of royalties and taxes (Ministry of Economic Development, 2012b).

This does not include strategies put in place by the Government to attract investment. For example the $237,000 spent on the 4-day Oil and Gas Summit in 2011, which included "yachting, fine dining, luxury accommodation and corporate boxes at the Rugby World Cup" (Davison, 2014).

2.2 Deep sea petroleum exploration

2.2.1 History of exploration in New Zealand

Petroleum exploration and production has been conducted in New Zealand for over 150 years. The first official well was dug in 1865 at Moturoa near New Plymouth (PEPANZ, n.d.a). Gas was found at a depth of 7 metres, and oil at a depth of 20 metres. Taranaki has been the New Zealand capital of petroleum exploration and production ever since. New Zealand's biggest petroleum find was in 1969 at the Māui oil and gas field off the Taranaki Coast. However, no one will deny that as the low-hanging fruits of petroleum exploration are plucked, commercial quantities of oil and gas become much harder to find, extract, and produce. This is where deep sea petroleum exploration enters the discourse.

2.2.2 Deep water drilling

Drilling is more complex in deep water than it is at shallower depths. Although the process is similar, it is the surrounding environment that proves challenging. Challenges include assessing the seabed at great depths, the pressure placed on equipment, and the fact that operations are more exposed to weather conditions in the deep sea than in shallow waters (New Zealand Petroleum & Minerals, 2014a).

Awareness about the immediate risk of deep sea exploration and drilling was raised in New Zealand following two events - the Deepwater Horizon disaster in the Gulf of Mexico (Windsor & McNicholas, 2012) and the Rena spill off the coast of Tauranga (Robson, 2012). These were isolated incidents, but demonstrated the magnitude of devastation to marine ecosystems, local economies and social and environmental welfare. As well as showing the New Zealand public the reality of oil spills, these events also provided the industry and New Zealand regulatory bodies with lessons to be learned. In directly-measurable, quantitative terms, the Rena disaster cost the New Zealand taxpayer at least $46.89 million (The Treasury, 2013), and although this was not a petroleum industry accident, it was petroleum causing the damage. As of

September 2014 BP[13] had put aside $42.5 billion USD for claims relating to the Deepwater Horizon disaster, and had been found "grossly negligent" in its actions leading to the spill (New Orleans Sun, 2014).

The long term risk often associated with deep sea exploration is the additional pressure that the discovery of new reserves could place on anthropogenic climate change. "Without adaptation, further changes in climate, atmospheric CO2, and ocean acidity are projected to have substantial impacts on water resources, coastal ecosystems, infrastructure, health, agriculture and biodiversity" (IPCC, 2014, p. 3) in Australasia. Human interference with the climate system is occurring (IPCC, 2014). This issue has the potential to affect every individual and organisation on the planet, while also having major implications for society and business. As with any issue where there is the potential for economic development to harm the environment, and conversely for regulatory protection of the environment to harm the economy, the debate around climate change is highly contested. Within the scientific community, however, the debate on climate change has, for the most part, shifted from whether it is real or not, to what can be done about it.

The main issue that deep sea exploration poses is that, according to varying estimates, global petroleum reserves already far exceed the acceptable limit of carbon that could be burned if we are to remain under the critical threshold of two degrees of warming (McGlade & Ekins, 2015). Unruh (2000) seeks to explain some of the underlying forces of anthropogenic climate change, and terms a dominant force as 'carbon lock-in'. According to Unruh, carbon lock-in arises because present day "industrial economies have become locked into fossil fuel-based technological systems through a path-dependent process driven by technological and institutional increasing returns to scale" (p. 817). Systematic forces perpetuate reliance on hydrocarbon based infrastructure, despite clear externalities and the existence of remedies.

2.2.3 Seismic surveying

Another contentious part of petroleum exploration is offshore seismic surveying. This is a technique that uses seismic pulses to travel through water and seabed, reflecting off different layers of rock. It allows a vessel to explore layers of rock below the seabed to see if there is an indication of the presence of oil or gas. At the beginning of 2015, a website was established by the Petroleum Exploration and Production Association of New Zealand (PEPANZ) to help inform New Zealanders on the process (PEPANZ, 2015).

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[13] BP plc, formerly British Petroleum

The process includes the use of Passive Acoustic Monitoring Systems which detect the presence of marine mammals. The Department of Conservation's Code of Conduct for minimising acoustic disturbance to marine mammals requires two independent trained marine mammal observers to be present on the exploration vessel (PEPANZ, 2015). A strong impetus for resistance is from coastal communities, who rely on the ongoing protection of marine mammals for social, cultural and economic reasons.

According to PEPANZ, "oil and gas exploration operations can be managed to minimise and effectively avoid adverse environmental effects, which includes marine mammals" (PEPANZ, 2015). They also state that "petroleum mining activities have not been cited to have any adverse effects on the Māui's Dolphin[14]" (PEPANZ, 2015), but fail to provide assurance that adverse effects are not experienced by any other marine mammal. This is a careful choice of words and may indicate that more research should be conducted specifically on the adverse effects experienced by Māui's Dolphins. The limitation of this suggestion is that there are only an estimated 48 - 69 Māui's Dolphins left in the world (Department of Conservation, 2014). Currently, the marine mammal sanctuary where they are thought to reside allows petroleum exploration (New Zealand Petroleum & Minerals, 2015a). On 5 March 2015, 75 marine scientists wrote an open letter to the Obama Administration warning against seismic exploration (Natural Resources Defense Council, 2015). This letter claims that the sound can be as powerful "as that produced by underwater chemical explosives" whereas PEPANZ claim it is "comparable to many naturally occurring marine sounds – including those made by animals themselves" (PEPANZ, 2015). This is just one example of the evidence trap which will be discussed in depth in Chapters Four and Seven of this thesis.

2.3 Industry

Those currently exploring, or planning to explore for petroleum in New Zealand's EEZ are a mix of New Zealand limited liability subsidiaries, other forms of transnational companies, and New Zealand owned partnership explorations. These include Anadarko (US), Chevron (US), OMV (Austria), Shell (NL), Statoil (Nor), and New Zealand Oil and Gas (NZ).

PEPANZ, founded in 1972, is an incorporated society which operates as a trade association, promoting the interests of petroleum producers and explorers in New Zealand (PEPANZ, n.d.b). The group represents the

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[14] The Māui or Māui's dolphin is critically endangered and is one of the rarest and smallest dolphins in the world. It is found exclusively off the West Coast of the North Island (Department of Conservation, 2014).

major organisations that explore for and produce New Zealand's petroleum resources. PEPANZ works with central and local government to ensure that the country's regulatory and commercial framework promotes investment and maximises the return to the New Zealand industry and community from petroleum exploration and production. Sitting on the board of PEPANZ are representatives from Shell NZ, NZ Oil and Gas, Todd Energy, TAG oil, OMV, Anadarko and more. According to their values statement, PEPANZ believe that growing the oil and gas industry of New Zealand can enrich the country's future (PEPANZ, n.d.b). The association see themselves as industry leaders who are confident, informed and consultative; industry advocates who have integrity, honesty, are reasonable, and make rational decisions; and encourage industry engagement which is open, transparent, neighbourly, and follows kanohi kit e kanohi (face to face) (PEPANZ, n.d.b).

Because this research is predominantly focused around the operations of Anadarko, it will be useful to provide a brief overview of the company. During the course of this research, Anadarko's website information in relation to its New Zealand operations was updated several times. There was a general shift in focus from shareholder engagement to stakeholder engagement. The website (Anadarko Petroleum Corporation, n.d.) currently[15] emphasises stakeholder engagement, responsibility and fostering open communication with indigenous peoples. Anadarko's mission is "to deliver a competitive and sustainable rate of return to shareholders by developing, acquiring, and exploring for oil and natural-gas resources vital to the world's health and welfare" (Anadarko Petroleum Corporation, 2015, p. 2).

Operations in New Zealand are carried out by Anadarko New Zealand Company and Anadarko NZ Taranaki Company. Anadarko New Zealand Company was incorporated in 2010 and is registered as an overseas non-ASIC[16] company with a country of origin of the Cayman Islands. The two directors are based in Texas, US, which is Anadarko Petroleum Corporation's international headquarters. Anadarko NZ Taranaki Company was incorporated in 2014 and all the other details are the same. The New Zealand country manager is Alan Seay, who also sits on the board of PEPANZ and focuses on building relationships in New Zealand.

Anadarko Petroleum Corporation had a 25% interest in the Macondo Prospect operated by BP, which resulted in the Deepwater Horizon oil spill (Marex, 2013). In 2014, Anadarko Petroleum Corporation had the

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[15] Retrieved on 22 May 2015
[16] Australian Securities and Investments Commission

largest ever U.S. settlement for environmental contamination held against them - $5.15 billion USD (Tucker & Cappiello, 2014).

2.4 Māori engagement in deep sea petroleum exploration

Māori are the indigenous peoples of Aotearoa New Zealand, and the issues that Māori are facing are those issues facing all Indigenous peoples globally (Ruckstuhl, 2013). According to Ruckstuhl (2013), Māori have engaged with mining in three main ways: as an economic opportunity (provided there are environmental safeguards), as a discussion around Treaty rights, and as an environmental issue requiring strong opposition. This strong opposition occurs "in order to carry out traditional and enduring relationships with Papa-tū-ā-nuku, Tangaroa[17] and future generations" (Ruckstuhl, 2013, p. 4). These different levels of involvement allude to the reality that among Māori, iwi, hapū and even whānau, there will be different approaches to and perspectives on deep sea petroleum exploration issues.

Papa-tū-ā-nuku (Earth Mother) represents the close relationship that Māori share with the natural environment through the concept of whakapapa (genealogy). Whakapapa establishes people as an inseparable part of nature, and says that all things - human and environment - are related through ancestry (Rae & Thompson-Fawcett, 2013). According to Māori culture, all people are descended from the union between Papa-tū-ā-nuku and Rangi-nui (Sky Father) (Royal, 2015). The close relationship that Māori share with their natural environment should be considered at all times during the reading of this research. It is deeply engrained in Māori culture, mythology, economy and society.

Treaty rights refer to the rights of Māori under the Treaty of Waitangi/Te Tiriti o Waitangi (the Treaty/Tiriti)[18]. This was signed on the 6 February 1840 by Crown representatives and over 500 Māori rangatira (chiefs) from around Aotearoa over the following weeks (Ministry for Culture and Heritage, 2015). Ever since then, there have been disputes over interpretations of the Treaty/Tiriti, as well as breaches of the principles of the Treaty/Tiriti between iwi and the Crown. Under the Treaty settlement process, national and local bodies are required to give consideration to, consult with, or include Māori in the formulation, implementation, or delivery of public policy (Ruckstuhl, Thompson-Fawcett & Rae, 2014). In addition,

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[17] "Māori believe that water is an energy, with many moods. It can be calm and life-giving, or dangerous and destructive. This energy is called Tangaroa – 'god of the sea'" (Royal, 2012).

[18] There are two versions of the Treaty/Tiriti, one in English and the other in Te Reo. The translations have been a cause for significant dispute.

central and local government must give consideration to the principles of the Treaty/Tiriti, and one such principle is 'partnership'. The partnership approach emphasises the continuing and on-going nature of resource usage that requires continual dialogue (Ruckstuhl, Thompson-Fawcett & Rae, 2014).

The Waitangi Tribunal was established in 1975 by the Treaty of Waitangi Act 1975 to make "recommendations on claims brought by Māori relating to actions or omissions of the Crown that potentially breach the promises made in the Treaty" (Waitangi Tribunal, n.d.). One combined dispute, Wai 796 and Wai 852, is in relation to petroleum resources (Waitangi Tribunal, 2003). The Petroleum Report was prepared by the Waitangi Tribunal (2003) in order to address a number of these claims involving petroleum resources. The Petroleum Act 1937 extinguished all private landowners' pre-existing interests in petroleum and vested the ownership of the resource to the Crown (Waitangi Tribunal, 2003). The Crown's ownership of petroleum is now secured by the Crown Minerals Act 1991. However, the report found that prior to the Petroleum Act 1937, Māori had legal title to the petroleum in their land. The Act and previous land alienations acted to expropriate the legal title to petroleum of Māori. Whenever a Treaty interest arises, there will be a right to remedy and an obligation on the Crown to negotiate redress for the wrongful loss of petroleum. The Crown formally rejected the Tribunal's findings in November 2003 (Wetton, 2003). Despite these differences in interpretations of 'ownership' the Crown still requires consultation with iwi during a number of stages in the process around petroleum exploration and extraction. This will be explored in depth in the analysis and discussion sections of this thesis.

One interesting recent example of iwi engagement with deep sea petroleum exploration is Te Whānau-ā-Apanui resisting exploration by Brazilian exploration company Petrobras (Knight, 2011). Te Whānau-ā-Apanui, an iwi based in the East Cape of the North Island, provided fierce resistance, including a flotilla, protests on land, and court action led by Te Whānau-ā-Apanui lawyer Dayle Takitimu (Radio New Zealand, 2012). The iwi also engaged with Greenpeace New Zealand (Greenpeace NZ) to help with resistance. This is an example of a recent and successful collaboration between iwi and environmental activists. Eventually Petrobras surrendered their permits prior to completing exploration, citing technical and economic reasons for the halt in activities (Vance, Weir & Cooke, 2012). This helped spark Greenpeace NZ's campaign against deep sea oil (Knight, 2011).

2.5 Legislation and regulation

There are two relevant pieces of legislation around petroleum exploration in New Zealand. Prior to 2011 the legislation was inadequate to govern petroleum activities in New Zealand, especially in the EEZ. Although the Resource Management Act 1991 is relevant to any resource-related activities, the Crown Minerals Act 1991 and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) are more applicable to the deep sea exploration arena.

2.5.1 Crown Minerals Act 1991

The Crown Minerals Act 1991 governs the management and use of 'crown-owned minerals' which include petroleum in New Zealand's EEZ as well as on land. The purpose of the Act is "to promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand" (Crown Minerals Act 1991, s. 1A). It allows the Government to issue permits for the allocation of rights to prospect, explore or mine mineral resources. This is often in exchange for a financial return on these operations to the Crown. The Act also provides conditions on permits to encourage the responsible development of those resources (New Zealand Petroleum & Minerals, 2014c).

Since its original drafting, the Crown Minerals Act 1991 has had a number of amendments, the most controversial being the 'Petrobras Law' or the 'Anadarko Amendment'. On 9 April 2013 the Minister for Energy and Resources, Simon Bridges, used a post-Select Committee supplementary order paper as a portal to rush a controversial law change (Pender & McMillan, 2013). This change added new offences to the Act including damaging or interfering with a structure, equipment or a ship; interfering with operations; and entering a 'specified non-interference zone' without reasonable excuse via ship. It also provides powers of enforcement to stop a ship; remove any person from a ship; or prevent someone from entering a ship within a specified non-interference zone; or without warrant, arrest a person who has committed, or is attempting to commit an offence against the above provisions (NZ Parliamentary Library, 2013). This amendment was justified by particular actors as a safety measure, and to protect property from damage (Davison, 2013). By others it was condemned as a "sledgehammer designed to attack peaceful protest at sea" (Davison, 2013).

This amendment generated a large amount of media attention, one reason being that New Zealand has a long history of peaceful protest – from early women's suffrage (Ministry for Culture and Heritage, 2014d), to the

Māori Land Marches in the 1970s (Ministry for Culture and Heritage, 2014c), to the Springbok Tour of the 1980s (Ministry for Culture and Heritage, 2014a) and protests at sea against nuclear testing in the late 1970s and 80s, including Government led protest against international activity (Ministry for Culture and Heritage, 2014b). At this point, many actors, not particularly active in the deep sea exploration arena, entered to protect the rights of protest. Among these were prominent New Zealanders like Sir Geoffrey Palmer, Dame Anne Salmon and Sir Ngatata Love (Davison, 2013).

2.5.2 Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act

Up until 2011, New Zealand did not have legislation governing activities in its EEZ. The EEZ of New Zealand is made up of areas of sea, seabed, and subsoil that are beyond and adjacent to the territorial sea of New Zealand (Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977). The two figures below illustrate the EEZ from different perspectives.

Figures 1 and 2 New Zealand EEZ from different perspectives
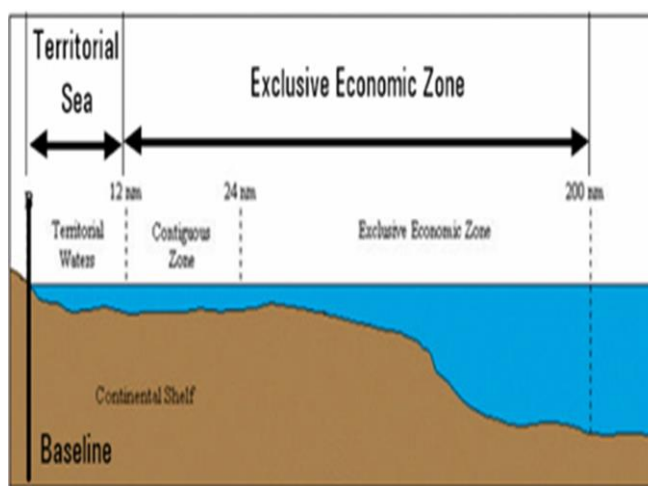
Source: New Zealand Government, n.d.   Source: Land Information New Zealand, n.d.

In 2011, the long overdue legislation was drafted and overseen by a select committee and parliamentary process. The member in charge of the bill was Amy Adams, Minister for the Environment at the time. It was referred to the Local Government and Environment Committee for parliamentary oversight and scrutiny. The Bill was introduced on 24 August 2011 and received Royal Assent on 3 September 2012 in order to commence on 28 June 2013. The select committee received 156 submissions including supplementaries ranging from local council to iwi, university departments to the New Zealand Law Society, and NGOs to industry (New Zealand Parliament, 2012).

The purpose of the EEZ Act is "to promote the sustainable management of the natural resources of the exclusive economic zone and the continental shelf" (Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, s. 10(1)). The Act defines sustainable management as "managing the use, development, and protection of natural resources in a way, or at a rate, that enables people to provide for their economic well-being" (Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, s. 10(2)), while also sustaining the potential of natural resources (excluding minerals), safeguarding the life-supporting capacity of the environment, and avoiding, remedying, or mitigating any adverse effects of activities on the environment. Under the Act, petroleum exploration is classified as a non-notified activity which means that an application for a marine consent is not publicly notified, so long as certain regulations are met (Exclusive Economic Zone and Continental Shelf (Environmental Effects – Non-notified Activities) Regulations, 2014). The Act also sets out to define the roles and responsibilities of regulatory bodies in managing activities in the EEZ.

2.5.3 Regulatory regime

Six government agencies and 16 regional councils make up the regulatory body responsible for the management of activities in New Zealand's offshore waters including territorial waters, the Continental Shelf and the EEZ (New Zealand Government, n.d.). The image below provides an overview of the process and the role that each regulatory agency plays:

Figure 3 Overview of regulatory roles around petroleum in New Zealand waters

The six steps to operating in New Zealand's offshore waters are assessing the seabed, exploration, production, ongoing monitoring, oil spill response, and decommissioning. New Zealand Petroleum & Minerals (NZP&M) manages the Government's resources under the Crown Minerals Act 1991, including assessing operators and granting permits. Maritime NZ is responsible for ensuring operators have plans in place to manage waste or spills, as well as being responsible for maintaining New Zealand's oil spill response capability. The Environmental Protection Authority (EPA) manages the effects of specified restricted activities on the environment, which involves considering applications for marine consents, monitoring compliance, and carrying out enforcement. The Department of Conservation is responsible for protected species, which involves preparing and administering guidelines for minimising disturbance to marine mammals, while Worksafe NZ sets the rules that ensure oil stays in the pipe and the risk of a well failure is as low as reasonably practical. Finally, the Ministry for the Environment is responsible for developing environmental policy and administering the legislation and regulations applying to the EEZ and territorial waters (New Zealand Government, n.d.).

2.5.4 Block Offers

Since 2012, New Zealand has run annual Block Offers to allocate petroleum exploration permits. Whenever the details of the allocations are released there is a flurry of media coverage, press releases, and actions from actors in the arena. The Government allocates the permits in an annual tender to enable "efficient allocation of exploration acreage, incorporating the views of industry and stakeholders" (New Zealand Petroleum & Minerals, 2015b). Before the Government announces a Block Offer it first asks industry for nominations, consults with iwi in proposed areas and discusses proposed areas with local government. Information gathered during this process guides the Minister of Energy and Resources' decision and helps to identify sites of cultural, historical, or environmental value. Block Offers then become open to bidding and bids are assessed on the proposed work programme and "criteria including the applicant's technical and financial capability and likely capability to meet expected health, safety and environmental requirements in accordance with the Invitation for Bids" (New Zealand Petroleum & Minerals, 2015b). After this, exploration permits are awarded to enable research into where commercially recoverable reserves of petroleum may be. This process is managed by NZP&M which is a branch of the Ministry of Business, Innovation and Employment. NZP&M's aim is to attract operators and companies with high health, safety

and environmental standards and promote investment in New Zealand to the petroleum and minerals sector. The organisation sees itself as a responsible steward and kaitiaki (guardian) of New Zealand's mineral resources. Pictured in Figure 4 is the Block Offer 2014 allocation.

Figure 4 New Zealand Block Offer 2014

PEP 57057 (2121 km^2)
Statoil New Zealand B.V.

PEP 57070 (1618 km^2)
New Endeavour Resources
(N.Z.) Ltd

PEP 57075 (1365 km^2)
OMV New Zealand Limited

PEP 57090 (2121km^2)
ONGC Videsh Limited

PEP 57058 (883 km^2)
Mosman Oil and Gas (NZ) Limited

PEP 57068 (517 km^2)
Mosman Oil and Gas (NZ) Limited

PEP 57067 (990 km^2)
Mosman Oil and Gas (NZ) Limited

PEP 57080 (2446km^2)
Todd Exploration Limited – 50% (Operator)
Beach Petroleum (NZ) Pty Limited – 50%

PEP 57063 (89 km^2)
TAG Oil (NZ) Limited

PEP 57076 (101 km^2)
Petrochem Limited

PEP 57065 (60 km^2)
TAG Oil (NZ) Limited

PEP 57073
(9800 km^2)
OMV New Zealand Limited

PEP 57087 (6259 km^2)
Chevron New Zealand
Exploration
Limited – 50% (Operator)
and Statoil
New Zealand B.V. – 50%

PEP 57085 (9802 km^2)
Chevron New Zealand Exploration
Limited – 50% (Operator) and Statoil
New Zealand B.V. – 50%

PEP 57083 (9968 km^2)
Chevron New Zealand Exploration Limited
– 50% (Operator) and Statoil New Zealand B.V. – 50%

AUCKLAND

WELLINGTON

CHRISTCHURCH

DUNEDIN

24

2.6 Activist action

2.6.1 Greenpeace NZ spill report

In October 2013, Greenpeace NZ released a detailed 73-page report titled *Trajectory analysis of deep sea oil spill scenarios in New Zealand waters* (Lebreton & Franz, 2013). This report was prepared for Greenpeace NZ by Dumpark Ltd, an independent science and data visualisation agency. The spill report painted a sombre picture of the potential catastrophe unleashed by a deep sea well failure. As would be expected, this release was met with a high volume of media coverage and became quite controversial. It was labelled by some as "scaremongering" (Vance, 2013), and others as "science fiction" (Hartley, 2013). External experts claimed the modelling was sound but were concerned with some of the assumptions, particularly that there would be no intervention for some time if there was a blow out (Radio New Zealand, 2013). A few months later an Official Information Act (1982) request surfaced Anadarko's spill report, which showed evidence that oil could wash up on the coast of New Zealand (Met Oceans Solutions Ltd, 2013) with varying impacts. Despite the mixed media coverage and response, the report by Greenpeace NZ illuminated the potential for catastrophe and brought the reality of the Gulf of Mexico disaster home to New Zealand. It acted as an instrument to mobilise public opinion around deep sea petroleum exploration and was just one tool used in the contest to win over public opinion which will be discussed in later chapters of this thesis.

2.6.2 Flotilla

On 19 November 2013, Anadarko arrived in the Taranaki Basin approximately 115 kilometres off the shore of New Plymouth to drill to a record depth in New Zealand of somewhere between 1000 – 1500m (Environmental Resources Management, 2013). Anadarko's exploration vessel the Noble Bob Douglas was met by the Oil Free Seas Flotilla who had planned to get there two days before the company arrived. This flotilla was a small convoy of boats sailed by members of the Oil Free Seas movement and supporters, as well as their umbrella organisation Greenpeace NZ. One of the boats, the Vega[19], was co-captained by Greenpeace NZ executive director Bunny McDiarmid and former Green Party of Aotearoa Co-Leader and Coal Action Network Aotearoa activist Jeanette Fitzsimons. The flotilla occupied the site where Anadarko intended to drill for around 10 days and their mission was to mobilise the New Zealand public. They sought to "capture the hearts and minds of New Zealanders" (Fitzsimons, 2013) and make a statement that "extreme

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[19] The Vega is a small sailboat made (in)famous by sailing to protest against nuclear testing by the French military in the Pacific. It was captained by David McTaggart who went on to be a prominent member of Greenpeace (Greenpeace International, 2005).

action is now called for if we are going to avert extreme climate change" (Fitzsimons, 2013). This action was controversial, particularly given the recent changes to the Crown Minerals Act 1991 mentioned above. However no police or government intervention occurred and the protesters and organisation communicated by radio several times. At one stage the action took a slight turn when one of the support vessels attempted to manoeuver or intimidate the Vega out of the exclusion zone (Mares, 2013). On the 26th of November the flotilla returned to shore to take the protest through the courts system.

2.6.3 Greenpeace NZ High Court case

The same day that the Oil Free Seas Flotilla returned for shore, Greenpeace NZ filed judicial proceedings against the EPA to challenge the process which gave Anadarko permission to drill (Manning & Blockhouse, 2013). Greenpeace NZ alleged that the impact assessment which Anadarko was to provide under transitional provisions in the EEZ Act 2012 was incomplete because the EPA impact assessment included a discharge management plan but did not include a number of annexes. As well as this, Greenpeace NZ claimed that the EPA and itself had different interpretations over the role which the EPA is to play in balancing environmental protection with economic development (*Greenpeace of New Zealand Inc. v The Environmental Protection Authority*, 2013). Justice Mackenzie of the High Court found that the relevant section of the EEZ Act 2012 does not involve any assessment of the merits of the content of the impact assessment and that there was, in his view, a careful and proper consideration of the completeness of the impact assessment. Justice Mackenzie held that "a decision which is 'wholly administrative in nature' and 'essentially mechanical' is not readily susceptible to the sort of error which may justify judicial review" (p. 12). In order to succeed on this application Greenpeace NZ must demonstrate that there has been an error in law on the part of the EPA.

2.6.4 Hikoi

On 27 September 2014, sometime later, a hikoi led by Mike Smith (Ngāpuhi, Ngāti Kahu) left Cape Reinga on a journey towards the Skycity Convention Centre in Auckland where the New Zealand Petroleum Summit was being held (Manning, 2014). Hikoi is a Māori term meaning a protest march or parade, which usually implies a long journey (Ministry for Culture and Heritage, 2014c). The purpose of the hikoi was to send a message to oil companies that Northern iwi were opposed to deep sea drilling and exploration. While this particular hikoi was aimed in part at Statoil (who were about to begin exploration off the coast of

Northland), the message from the protestors was to all exploration companies and the Government to "leave our seas alone" (Manning, 2014). The hikoi was met in QEII square by a greater number of urban protestors, and crowds swelled as the march proceeded up Queen Street. Other protest actions around the summit included a small group of activists breaking in to the summit and flying anti exploration flags, as well as a larger group of activists covering themselves in oil and standing outside an after-function. One specific angle and contribution of this protest was the collaboration between iwi and activists to send a message to Norway, which has an indigenous population of its own, that the Norwegian state-owned Statoil is not welcome in Aotearoa and they shall not stomp over indigenous rights. In May 2015, a small delegation of Northland Māori travelled to Norway to meet with the Saami parliament seeking support, and speak at the Statoil AGM to make it clear that there is indigenous resistance in Aotearoa (Rerekura & Korihi, 2015).

2.7 Context conclusion

This chapter has aimed to provide the context to the arena, from my perspective both as a researcher and an actor. This is essential in order to set the scene in which the discourse occurs. Understanding matters of economics, politics, environment, culture, industry, the legislative regime and resistance is crucial to understanding the discourse. Without an understanding of the context, it is impossible to try and explain the reasons *why* a discourse is manifesting in the way it is, and why accountability for risk within this discourse is discharged.

Chapter Three: Literature review

This chapter will provide a review and synthesis of previous literature relevant to this research. First, there will be a brief introduction of traditional social and environmental accounting (SEA) literature. Of particular use will be literature from this discipline around the petroleum industry as well as the paper by Georgakopoulous and Thomson (2008) which methodologically inspired this research. Within the growing SEA literature I will explore a body of work which links the concepts of accountability and risk - agonistic democratic accountability. This relates to how different actors can engage with one another, without necessarily ever resolving a conflict or coming to a compromise. Following this, prior work on the murky and elusive concept of 'accountability' will be discussed in depth. This will include how accountability is defined and constructed, as well as criticisms of accountability practice and research. Subsequently, literature around the traditional Māori guardianship value, kaitiakitanga will be explored. This research suggests that kaitiakitanga can provide significant insight to the predominantly Western based accountability literature. As I have stressed the importance of interdisciplinary research, some of the literature from the sociology of risk discipline will be discussed in order to inform the accountability lens of this research and vice versa. This will include discussion on the definition, classification and construction of risk as well as risk communication and the precautionary principle. Finally, gaps in prior literature will be identified, and these diverse strands of knowledge will be synthesised into a compelling set of research questions and objectives to be explored within this thesis.

3.1 Traditional SEA literature

In any situation involving a multi or transnational corporation operating in a region, where there are likely to be externalities affecting an array of stakeholders, there will be debate around the responsibilities of this organisation. Accounting and accountability have been identified as playing an important role in any engagement (Gray, 2002; Bebbington, Brown, Frame, & Thomson, 2007; Georgakopoulos & Thomson, 2008; Brown, 2009; Dey, Russell, & Thomson, 2011; Dillard & Brown, 2012; Gray & Laughlin, 2012; Brown & Dillard, 2013; Brown & Dillard, 2015; Tregidga, Milne & Kearins, 2015). Because of the controversial and environmentally sensitive nature of deep sea petroleum exploration, it is appropriate to examine the role of accounting in engaging with a wide representation of stakeholders or actors. This is

traditionally done by examining social and environmental reports, which is now considered a limited approach (Tregidga, Milne & Lehman, 2012).

The bulk of the social and environmental reporting literature has examined the publicly available disclosures of organisations. Many authors focus on quantitative analysis of voluntary social and environmental disclosures in annual reports or standalone social and environmental reports (Hackston & Milne, 1996; Patten, 2002; Clarkson, Li, Richardson, & Vasvari, 2008). Following this tradition, Dong and Burritt (2010) examine social and environmental disclosures in the Australian oil and gas industry. The authors find that sampled companies fail to provide quantified targets and outputs on this information to assess actual achievements. This has the effect of undermining the credibility of social and environmental disclosures for decision making. Patten (1992) uses legitimacy theory to frame an examination of environmental disclosures from petroleum companies following the Exxon Valdez disaster in Alaska. The author finds a significant increase in environmental disclosures from petroleum companies, and that the amount of change is related to firm ownership in Alyeksa Pipeline Service Company, which played a major part in the spill. This idea of legitimating disclosures was further confirmed by Milne and Patten (2002) who develop an experimental investment scenario to identify the role that environmental disclosures might play in legitimating an organisation in the decisions of potential investors. The authors find that positive environmental disclosures, juxtaposed with required liability exposures, have positive effects on long-term investment opportunities for a fictitious chemical company with a poor environmental record.

Many researchers felt the need to extend the literature beyond analysing the quantitative content, disclosures and determinants of social and environmental reporting, by reading between the lines of 'sustainability' reports. Various authors began to express their discontent with the manner in which 'sustainability' had been usurped by business for business. The business case or middle ground of sustainability or corporate social responsibility is described by Gray, Owen, and Maunders (1988) as "… in which the status quo is accepted (although variously interpreted) and explicit, and the overt ambition is neither to destroy capitalism nor to refine, deregulate and/or liberate it" (p. 8). Milne, Tregidga and Walton (2009) peer through the painted veil of corporate disclosures and examined the language and representations of sustainable development in a New Zealand business context. The authors find that the early reporters of the New Zealand Business Council for Sustainable Development are involved in weak discourses. Report disclosures are consistent with economic

ends rather than addressing a genuine concern for the environment. The authors highlight the danger of this weak discourse in its "reinforcement of economic logic, expert control, and business superiority" (p. 1239).

In 2012, a special issue of Accounting Forum was dedicated to different examinations of corporate communications including examining persuasive language (Higgins & Walker, 2012), the use of graphs and photographs (Hrasky, 2012) and the use of metaphors in a chairman's statement (Merkl-Davies & Koller, 2012). At the end of this special issue Tregidga, Milne and Lehman (2012) suggest that there is still further to dig, and argue for a move away from the 'safety' of quantitative content analysis into new territory such as narrative, rhetorical, visual and discursive methods. The authors recommend a move towards alternative communications, such as social media and examining the consumption or interpretation of messages from a stakeholder perspective, and conclude that researchers need to take public relations, rhetorical, propaganda and political aspects of corporate messages seriously.

Because of the unique circumstances that social and environmental disasters provide for study, a large portion of organisational research on the petroleum industry tends to focus on organisational actors during and after a disaster. In this context, these disasters tend to be oil spills. Cherry and Sneirson (2011) take a critical approach to BP's role in the Deepwater Horizon spill. The authors use BP as a case study to examine the organisation's role in the industry leading up to, during and after the disaster, and argue that the spill represents a failure of more than just environmental law and government regulations. It represents a failure of corporate law, governance and corporate social responsibility. Breeze (2012) examines the discourse of the corporate response to the Deepwater Horizon disaster and finds that messages to shareholders in annual reports of petroleum corporations all reference the incident in the following year and attempt to legitimate companies in the sector to the public and shareholders. Lee and Blanchard (2012) use a sociological approach to examine how community attachment influences negative affective states, such as anxiety and fear among those affected by the spill. The authors find that community attachment is associated with higher levels of these states in the seafood and petroleum industries. Although community attachment is essential for community resilience, it can be disruptive to individual wellbeing. These are just a handful of the papers exploring the wider effects that the petroleum industry and its externalities can have on stakeholders.

3.2 Expanding SEA literature

There has also been limited but insightful research into alternative communications and stakeholder reception. For example, Bebbington et al. (2007) apply a dialogic approach to social and environmental reporting to derive principles to inform engagements. This interpretation of dialogic engagement is that it is possible to resolve conflicting views "not by denying their differences but by denying the invasion of one worldview by the other and identifying the support and commonality each worldview offers to the other" (p. 364). Bebbington et al. (2007) suggest that this will enhance accountability, produce more authentic engagement and is more likely to contribute to sustainable social and environmental change. The authors conclude that research should be more informed by theory in order to shape, guide and support engagement. Dey, Russell and Thomson (2011) examine the importance of shadow accounts in engagement between stakeholders and organisations. Shadow accounts are a "form of social accounting produced by external organisations, including campaigning NGOs, on *their* representation of the social and environmental impacts of others" (p. 1, emphasis in original). The authors argue that how shadow accounts are used is as important as the content, and that they should be part of a dialogic process but avoid anti-dialogic engagements.

Georgakopoulos and Thomson (2008) investigate the relationship between engagement activities and social reporting practices in a controversial and environmentally sensitive industry. The authors include communications among different stakeholders and further develop the arena framework presented in Renn (1992)**.** Georgakopoulos and Thomson find that all participants use social reports in interactions. Social reporting is fragmented, driven by many factors and does not necessarily lead to a resolution of conflicts in the arena. They propose an implication for research is to consider co-existence and co-evolution of different social reports.

3.3 Agonistic democratic accountability

More recently, several SEA authors have been digging deep into theories of democracy to frame and discuss accountability, applied within a dialogic accounting framework. There are two strands, one based on a Habermasian[20] free speech model of deliberative democracy (e.g. see Power & Laughlin, 1996) and another following from Mouffe's (2000, 2005, 2013, as cited in Brown & Dillard, 2015) explorations into agonistic

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[20] This draws on the work of Jürgen Habermas to pursue deliberative understandings of accounting; in particular notions of ideal speech and communicative rationality (Brown & Dillard, 2015, p. 10).

democracy (Brown, 2009; Dillard & Brown, 2012; Brown & Dillard, 2013; Brown & Dillard, 2015, Byrch, Milne, Morgan & Kearins, 2015; and Tregidga, Milne & Kearins, 2015). This research is focused on diverse actors engaging with one another from ideological poles in the arena with conflicting values and desires. Because of this, agonistic democratic accountability will be a more appropriate strand to explore. This is because the dialogic accounting framework developed by Brown (2009), informed by agonistic democracy, looks to take "ideological conflicts seriously" (p. 313).

These authors favour agonistic over deliberative democracy because deliberative accounting or accountability is "still primarily a technical-rationalist approach that fails to adequately address the conflictual side of pluralistic relations" (Brown & Dillard, 2015, p. 10). Instead, agonistic democratic accountability takes the view that struggles between opposing hegemonic[21] projects cannot be reconciled by "a fully inclusive rational consensus" (Mouffe, 2000, as cited in Brown & Dillard, 2015, p. 10). Instead, this project focuses on pluralising political dialogue as a way of raising democratic consciousness. In this way, any consensus remains a "conflictual consensus" (Mouffe, 2013, as cited in Brown & Dillard, 2015, p. 11), and the vision of finally resolving differences actually poses a risk to democratic ideals of accountability. The key difference is translating antagonistic relationships, where enemy actors attempt to destroy each other, into agonistic conflicts where actors fiercely defend and advocate their position, but recognise and defend the rights of other actors to defend their own position (Brown & Dillard, 2013).

Brown and Dillard (2015) provide a useful summary of arguments advocating for dialogic accounting developments in theory and practice. These are providing alternatives to traditional business approaches, fostering critical reflection and democratic debate, giving expression to diverse political and value standpoints, and encouraging more democratic forms of social interaction in local, organisational and civil society contexts. The overarching theme of the arguments is aiming to combine an ethical respect for particularity with democratic struggles against domination (Brown & Dillard, 2015, p. 13).

To achieve these objectives, Brown (2009) proposes a set of principles to underpin dialogic accounting. These are recognising diverse ideological perspectives, avoiding uni-dimensional assessments, being open about contestable points of expertise, enabling access for non-experts, fostering effective participation, being sensitive to power relations, recognising the transformative potential of dialogue, and resisting new forms of

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[21] See Tregidga et al. (2015) for an in-depth exploration of Laclau and Mouffe's discourse theory and hegemony.

monologism. Rather than trying to meld a number of views from conflicting actors into a single unified consensus or compromise, or some "universal norm" (Brown & Dillard, 2015, p. 13), this approach seeks to preserve pluralism, difference and conflict (Byrch et al., 2015).

Byrch et al. (2015) explore agonistic democracy's applicability to interpretations of sustainability or sustainable development in a business context, and show that sustainability is understood in a range of different ways. The authors argue that if sustainability is understood in different ways, then accounting for sustainability should recognise and reflect pluralism. While arguing for a transition from the status quo of dominant business captured conceptions of sustainability, to more holistic forms of sustainability, the authors suggest that overt political debates, resistance, disobedience, and political conflict are necessary conditions for any transition to occur (Avelino & Rotmans, 2011, as cited in Byrch et al. 2015).

Tregidga et al. (2015) look at the framework from the perspective of "ramping up resistance" (p. 26) to counter dominant conceptions of sustainability in business. The authors argue, in support of the framework, that "it is the realisation that there are alternatives, antagonisms, and other possibilities, which keep alive the potential to counter attempts at discursive closure and hegemony" (p. 20). This is what gives hope for resistance. Resistance to dominant hegemonies or discourses requires a deepening of antagonisms, but recognises that they will be modified and made anew.

Because risk and interpretations of accountability and participation can be so polarising, I believe the application of agonistic democratic accountability to this arena can help inform potential ways forward which would ensure actors are represented and heard in their contributions to the discourse. Disparate actors, including social movements, indigenous communities, and environmental activists all have concerns about accountability, the climate crisis and globalisation, all of which are currently disregarded or reduced by accounting (Brown & Dillard, 2015). Dillard and Brown (2012) argue that "commitment to a dialogic process leads to renewed commitment to the adversary as a moral/political being with a voice demanding the right to be heard and understood but not necessarily having the right to be accepted" (p. 6).

3.4 Accountability

3.4.1 Defining accountability

It is not the intention of this research to try and 'define' accountability. To do so would be naïve. Sinclair (1995) points out that accountability appears to reside in a "bottomless swamp" (p. 221). The more definitive we attempt to render the concept, the more murky it becomes (Dahl, 1957 as cited in Sinclair, 1995). My position is that accountability is socially constructed by the actor and this will be made clear in the section that follows. It is still useful, however, to review the literature on accountability to examine different constructions of accountability and different methods for defining what it means to a number of authors and actors.

There is a large body of literature spanning several decades attempting to define and theorise the elusive term 'accountability'. Early sociological work attempts to construct and describe what an account is and why this might be provided. Mills (1940) provides an exploration of 'motives', which can be considered as "typical vocabularies having ascertainable functions in delimited societal situations" (p. 904). The importance of an exploration into motives is to understand the reasons why actors provide different justifications for their actions. Scott and Lyman (1968) argue that "an account is a linguistic device employed whenever an action is subjected to evaluative inquiry" (p. 46). These devices are crucial to bridge "the gap between actions and expectations" (p. 46). The authors suggest that accounts are statements from a social actor to "explain unanticipated or untoward behaviour" (p. 46) and can be classified by content as excuses and justifications, with each of these having its own sub-classifications.

In the social accounting literature, of which this research is most familiar, three leading authors, Gray, Owen and Maunders (1991) define accountability as "the onus, requirement or responsibility to provide an account (by no means necessarily a financial account) or reckoning of the actions for which one is held responsible" (p. 4). The authors also argue that the channel of accountability can be more important than the account itself (Gray, 1978, as cited in Gray, Owen and Maunders, 1991). This is similar to a definition used by Sinclair (1995), citing Roberts and Scapens (1985) where "accountability entails a relationship which people are required to explain and take responsibility for their actions: 'the giving and demanding of reasons for conduct'" (Sinclair, 1995, p. 220), which also includes the demanding of an account. This recognises that accountability is a two-way relationship. Shearer (2002) takes this definition a step further following

Schweiker (1993) and defines giving an account as "providing reasons for character and conduct, ones held to be understandable to others and thereby rendering a life intelligible and meaningful" (Shearer, 2002, p. 234). Shearer (2002) has introduced and reinforced the idea that giving an account is making actions intelligible and meaningful in the eyes of another.

Ranson (2003) provides a detailed literature review on different interpretations of accountability in a paper on public accountability. These include technical and generally more widely accepted definitions of accountability such as "to be accountable, conventionally, is to be 'held to account,' defining a relationship of formal control between parties, one of whom is mandatorily held to account to the other for the exercise of roles and stewardship of public resources" (Ranson, 2003, p. 460). As well as more sociologically derived definitions such as "to be accountable for one's activities is both to explicate the reasons for them, and to supply the normative grounds whereby they may be justified" (Giddens 1984, as cited in Ranson, 2003, p. 461).

After these technical and relatively straightforward definitions it is useful to discuss the work of authors who have examined the discursive elements of accountability. A useful starting point is that "accountability is all about the construction of an agreed language or currency of discourse about conduct and performance, and the criteria that should be used in assessing them" (Day and Klein, 1987, as cited in Ranson, 2003, p. 461). This interpretation is not a call for compliance, but rather, it allows us to understand how we constitute the sense we have of ourselves, as well as ways of constructing the ideas that underlie our social orders (cf.Wittgenstein 1953; Shotter, 1989; Tully 1995, as cited in Ranson, 2003). This touches on the wider issue discussed more recently in the literature of accounting for the self to the Other, and some of the social and philosophical implications of this.

3.4.2 Constructing accountability

However, to provide a long list of one or two line definitions from other authors would not do justice to how these interpretations have been constructed. To do this we must delve into the ontological and epistemological assumptions of these authors and analyse how these definitions were developed. Boland and Schultze (1996) provide an enlightening foundation for which we may build our understanding of accountability and how it can be socially constructed. The authors suggest that "accountability is the

capacity and willingness to give explanations for conduct, stating how one has discharged one's responsibilities" (p. 62). This is similar to previous definitions but the authors expand on where this was founded. Accountability involves both an explaining of conduct with a credible *story* and a calculation and balancing of competing obligations, including moral ones. Here, the key introductions are the ideas that 'to account' is to tell a story, and that moral obligations are included and must be balanced. Boland and Schultze (1996) elaborate that these two facets of accountability can be seen in the etymology of the word 'account'. "In the Oxford English Dictionary, we see that account comes from both the Old French *a conter*, meaning to tell a story and from the late Latin *accomputare*, meaning to compute" (Boland & Schultze, 1996, p. 62-63, emphasis in original). Remembering the roots of words, which the complexity of our society has rendered ambiguous, is crucial to understanding how these words can be socially constructed. "Accountability thus entails the giving of an account as a narration of what occurred (a story-line) and the giving of an account as in a reckoning of money" (Boland & Schultze, 1996). This will help us understand later work regarding the social construction of accountability and work towards developing the theoretical framework for this study of interpretations.

Sinclair (1995) notes that accountability is subjectively constructed and that it changes with context. The author performs a discourse analysis to examine changing forms of accountability among CEOs in the public sector, and argues that there is great value in interpretive perspectives to redevelop thought around phenomena like accountability. These phenomena have become so deeply embedded in ideologies and language that they are misunderstood to be more concrete than they really are. This is often referred to as reification. In order to improve accountability, it is important to understand how it is constructed by, and extracted from, those who are held accountable. The constantly changing definition of accountability reveals how language shapes understanding as an "agent of ideology" (Sinclair, 1995, p. 221). Accountability is shaped by social norms or aspirations towards order called social archetypes (Birkett, 1988, as cited in Sinclair 1995). This "involves the generation of a social consensus about what counts as good conduct and acceptable performance" (Day and Klein, 1987, p. 64, as cited in Sinclair, 1995, p. 221). How society defines accountability is crucially "dependent on the ideologies, motifs and language of our times" (Sinclair, 1995, p. 221). Boland and Schultze (1996) support this stance with their assertion that organisations and

accountability are social constructions and the narrative mode of cognition is the engine of that construction process.

Boland and Schultze (1996) assert that we selectively isolate events in our own experience; we populate these events with actors, and tell stories by setting the events and actors in a sequence which is meaningful to ourselves and the Other. The authors argue that narrating our experience to make sense of ourselves and our world is everywhere but often ignored. Boland and Schultze (1996) use the metaphor of the "self on a stage, acting out a scene" (p. 68) to explore the narrative mode of accountability. The self is a character who rehearses possible actions and reacts to the other characters of the scene, "as a character moving through time and space, the self makes its identity known" (p. 68). Thus, the image of the self that emerges through this narrative mode of accountability is that "of a complex of dialectically integrated possible selves" (p. 69).

Boland and Schultze (1996) then go on to discuss the relevance of accountability as story-telling. This is a useful insight in the context of this thesis, which is interested in the examination of story-telling through discourse analysis[22]. At face value, a story can often be understood as a meaningful reconstruction of the world. Because of this, it is not provable by our common standards of analytic and cumulative logic. The narrative mode of accountability can therefore not "step outside of itself to corroborate its truth claims" (Lyotard, as cited in Boland & Schultze, 1996, p. 69). Instead, the narrator will appeal to things like common sense and other belief systems which will be shared between the narrator and the listener, meaning plausibility and believability are the basis for truth. This shows us that stories, and therefore accountability, are "anchored in a culture" (p. 69). Accountability, just like a story, is a vehicle for constructing and maintaining the self, the self of the narrator as well as that of the listener. This distinction is then blurred because the narrator listens to herself at the same time as the listener reads into the meaning of the story – both actors subjectify the events (p. 70). In the study of accountability, a researcher must then be aware of this, both at the level of examining accountability as a story as well as recounting the examination as a story[23].

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[22] This matter will be discussed further in Chapter Four.
[23] As above.

3.4.3 Criticising accountability

Finally, it is useful to examine and synthesise some of the work criticising current accountability practice, studies of accountability, and authors offering their own improvements upon either accountability practice or research. Assuming the oft-cited role as the critic and conscience of society, the bulk of the literature has taken the role of criticising accountability practice and research.

The central criticism of accounting practice is the 'hijacking' of accountability by accountants and accounting information. Gray et al. (1988) claim that "potential chaos remains repressed because of an attachment, by practitioners and academics alike, to a belief in a benignly passive role for accounting in capitalist society, and an acceptance of the dominant rights of investors and financial markets" (p. 6). Roberts (1991) supports this argument with "the enduring self-image of accounting is that it is a neutral set of techniques which passively and objectively record and represent the results of organisational activity" (p. 355). Roberts argues that this view serves to legitimate the accountant as impartial, and accounting information as the "neutral arbiter of organisational truth" (p. 355). Like the scientific method which it imitates, the knowledge produced by accounting is supposed to be seen as being independent of the interests of those who produce and use it (Roberts, 1991, p. 355). This completely ignores the potential for social construction and all of these authors advocate for a more holistic form of accountability. Messner (2009) concludes that accounting needs to break the shackles that have burdened its language if it is to allow individuals and organisations to engage and account together in a more comprehensive way.

Several authors take turns at criticising the role that neoclassical economic theory has played in constructing interpretations of accountability. It is necessary to discuss these issues in the context of this research as New Zealand has often been considered by authors as having a culture embedded in neoclassical economics and governance. If we are to accept what I have argued above then we must accept that it is likely that economic theory will have gained general acceptance when discharging accountability. Shearer (2002) argues that economic theory "discursively creates the very conditions that render it applicable – thus enabling an imperialism that effectively opens the whole of human experience to economic description and prescription" (p. 549). Therefore, the social and cultural expectations of accountability will be a conception of "moral identity such that the reciprocal pursuit of private interest becomes the sole ethical imperative of subjects in commerce with one another" (p. 558). This would seem to verify Friedman's (1970) controversial claim that

the social responsibility of business it to increase its profits. However, Shearer makes an argument for the need to establish accountability as "a moral phenomenon that both can and should be subject to ethical reflection" (p. 545).

> Giving an account is one activity in which we come to be as selves and particular kinds of communities through forms of discourse that shape, guide and judge life regarding concern for the common good, human solidarity and basic respect (Schweiker, 1993, p. 235, as cited in Shearer, 2002)

Therefore it is important to establish accountability as a mechanism above and beyond being a social construct from the prevailing culture of economic discourse. This is possible by embracing cultural, social and environmental ideals into social expectations of corporate accountability.

Authors continue with their critique of the stranglehold which neoclassical economics has on the concept of accountability. Schweiker (1993) warns that if we are unable to call economic forces to become morally accountable, then we have become slaves to our own creations, and "the world is subjected to unending exploitation under the aegis of 'efficiency'" (p. 231). Shearer (2002) builds on the work of Schweiker and argues that the more the 'rationale' of economics pervades our sense of self as humans, the more we begin to see ourselves, and our relationships with others, in economic terms. The effect of this is twofold, where it both reduces demand for any accountability and ensures that on occasions where accountability is sought, the economics of self-interest will suffice. Shearer uses this logic as evidence to argue that "the discourse of economics is not, therefore, ethically neutral, but rather ascribes moral justice to self-interested actions by equating these actions with the provision of the collective good" (p. 565). Boland and Schultze (1996) discuss the dominance of calculative modes of accountability. The authors argue that "the individual is constructed as a calculable self by techniques of recording, classifying, combining, and comparing data, especially accounting data" (p. 63). This tends to dominate constructions of self, even in issues of morality.

Authors from other disciplines have taken this argument further to provide a critique of how economic language and analysis has invaded everyday life. Roscoe (2014) argues that economic transactions have broken chains of reciprocity, and that the act of purchase is a distinguishing characteristic of modern life. "We spend, so we are" (p. 4). According to Roscoe, the optimism of Enlightenment economists, such as Adam Smith, who founded much of this theory, has given way to profound despair. Goods such as solidarity, compassion and empathy are disappearing from societal relations. Overcoming the enlightened self-interest of individuals prescribed by economics could be the greatest obstacle to overcoming some of the challenges

facing the world (Roscoe, 2014). Sandel (2012) explores the moral limits of markets, and argues that the most fateful change of the last thirty years is not an increase in greed. Instead, it is the expansion of markets and market values into parts of life where they should not be. Because of this, market values can crowd out non-market values worth caring about. The absence of a debate around the moral meaning of markets has profoundly shifted us from *"having* a market economy to *being* a market society" (Sandel, 2012, p. 10 emphasis in original).

3.4.4 Accountability conclusion

There is a general consensus within the accountability and wider literature that we need an accountability to wider human and environmental purposes. Shearer (2002) concludes that:

> We must make our systems of account more responsive to the Other, both the other who stands outside of the market transactions of the economic agent and the subjectivity of the other as Other who, entering into economic transactions, is transmuted into a commodity whose only worth inheres in appropriation (Shearer, 2002, p. 568).

Drawing from the literature, there are many calls for more holistic forms of accountability but little in the way of practical solutions. Since this thesis seeks to examine the relationship between corporate social and environmental accountability in regards to risk, it will be useful to look to other strands of literature. This research is performed in Aotearoa New Zealand, a bicultural country; therefore an examination of Māori knowledge and literature on guardianship will provide significant insight to international accountability literature. As well as this, an exploration of prior work around risk and risk communication is necessary. This is of critical importance to discover if there are any insights for corporate and public accountability within other disciplines.

3.5 Kaitiakitanga

A cornerstone of traditional Māori culture, society and governance is the guardianship value of kaitiakitanga. It is the assertion of this research that this value can profoundly inform Western notions of accountability. This value is more closely aligned with the type of accountability being called for in the SEA literature than the Western forms of calculative accountability that the same literature criticises. However, similar to Western language a phrase such as this can be open to interpretation. Therefore, it is useful to explore academic literature and practical implementation of kaitiakitanga before drawing out what it means to actors in this context, and whether these actors believe it is present.

Kaitiakitanga is the value most frequently presented in the literature as being able to inform Western governance, accounting and business (Craig, Taonui & Wild, 2012; Kamira, 2003; Schneider, Samkin, & Pitu, 2012). It loosely translates to imply guardianship, protection, care and vigilance (Kamira, 2003). It also introduces the idea of an intergenerational responsibility and obligation to protect, rather than implying ownership (Kamira, 2003). Rae & Thompson-Fawcett (2013) suggest that kaitiakitanga is the most commonly cited principle adhered to by iwi when developing policy. It is defined as an ancestral obligation to collectively sustain, guard, maintain, protect, and enhance mauri (life being or force) (p. 16). An actor who carries this responsibility is called a kaitiaki and the obligation of the kaitiaki is embodied in resource management practices. The relationship between the kaitiaki and the resource is seen as reciprocal. Social, economic, and political benefits are obtained through resources but the resources must be cared for and even improved. Kaitiaki are genealogically linked to the resources and derive rights and responsibilities through whakapapa[24].

Kaitiakitanga therefore empowers iwi to call for more meaningful inclusion in environmental decision making in their rohe (territory) (p. 16). "The most appropriate way of exercising contemporary kaitiakitanga is through partnership, for example, partnership with central and local government and environmental agencies" (Rae & Thompson-Fawcett, 2013, p.16). Ruckstuhl, Thompson-Fawcett and Rae (2014) extend this understanding and say, that there is a twofold responsibility of kaitiakitanga. As well as protecting mauri, there is a duty to pass the environment to future generations in a condition as good as, or better than it is currently. It is an active exercise of responsibility which is beneficial to the resource rather than just a passive custodianship (Jolly and Ngā Papatipu Rūnanga Working Group, as cited in Ruckstuhl et al., 2014, p. 310). The value of kaitiakitanga is already present in a number of New Zealand resource management and governance systems, for example in the interpretation and application section of the Resource Management Act 1991[25].

A practical example of the use of kaitiakitanga in an extractive industries arena would be within a submission prepared by Ngāi Tahu Whānui, Te Rūnanga (2012) on amendments to the Crown Minerals Act 1991. In the submission, the authors state that Ngāi Tahu Whānui, Te Rūnanga "has an interest in ensuring

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[24] Geneaology – See Section 2.4.
[25] Resource Management Act 1991 s. 2(1).

sustainable management of minerals and the environment for future generations" (p. 5). Te Rūnanga views it as essential that mining practices meet or exceed leading global standards for the reputation of New Zealand, their tribal values, and their role as kaitiaki. "At all times, Te Rūnanga is guided by the tribal whakataukī, mō tātou, ā, mō kā uri ā muri ake nei (for us and our children after us)" (p. 5). The submission goes on to stipulate particular parts of the Act which it feels need adjustment to enhance kaitiakitanga. These include a better reflection of the Crown's Treaty/Tiriti obligations, particularly with regard to a partnership approach. A partnership approach would include specific references in decision-making processes on interests of iwi in Crown minerals management, and would ensure cohesion between resource management regimes. This is an example of what Te Rūnanga o Ngāi Tahu expects of kaitiakitanga and practical steps for the crown to take in order to enhance the ability of iwi to practise this customary guardianship role.

3.6 Risk

> Talking about risks faces the immediate danger that everybody talks about something different (Klinke & Renn, 2001, p. 159).

Much accountability practice and research has focused on retrospective accountability for what occurred in the past. Because this research looks to focus on accountability for what could happen, an examination of risk literature will help to develop a framework to inform accountability for risk. Just as in the accountability section of this literature review, it would be unwise to attempt to 'define' risk. However, it is still useful to examine the rather lively debate in the literature trying to articulate a definition for risk. One insightful paper was authored by Aven and Renn (2009). These authors deconstruct a number of definitions of risk and highlight strengths and weaknesses of each. The particularly contentious issue is the ontological assumptions behind different definitions. This paper starts with a number of definitions ranging from "risk equals the expected loss" (Willis, 2007, as cited in Aven & Renn, 2009), to "risk is a measure of the probability and severity of adverse effects" (Lowrance, 1976, as cited in Aven & Renn, 2009), to "risk is a situation or event where something of human value (including humans themselves) is at stake and where the outcome is uncertain" (Rosa, 1998; 2003, as cited in Aven & Renn, 2009). The authors focus on this last definition for their discussion, as most of the other definitions express risk through probabilities, rather than uncertainties. The reason the authors depart from Rosa's (1998; 2003) definition is that it expresses "an ontological realism that specifies which states of the world are to be conceptualised as risk" (p. 3). This means that risk exists 'out there' independent of our perceptions, our knowledge claims, and our own subjectivities in regards to

what, and how likely a risk is. Instead, Aven and Renn (2009) propose that a more suitable definition is "risk refers to uncertainty about and severity of the events and consequences (or outcomes) of an activity with respect to something that humans value" (p. 6). This incorporates uncertainty, which is an epistemological component of risk, as well as severity of events and consequences, which is the ontological component of risk. In this way, risks are not a state of the world but rather the events associated with the risk are. Risk is therefore subject to human values, judgment and constructions.

3.6.1 Risk classification

Klinke and Renn (2001) provide a convivial, and engaging framework for classifying risks, and then discuss methods to manage these risks. The authors use tales and myths from Greek mythology as metaphors for different classifications of risks. Two relevant examples include the risk classes *Sword of Damocles* and *Cassandra. Sword of Damocles* tells the story of when Damocles was invited to a banquet by the king. He had to sit, and eat beneath a sword that was hanging by a thread. This became a symbol for a threat, chance or bad luck. The threat comes from the possibility that Damocles could suffer a fatal wound every time he eats, even if the probability is low. This represents a risk with a low probability, but a high consequence. This is often used to describe the likelihood and outcome of an oil spill by actors in the deep sea petroleum arena. *Cassandra* was a prophetess of the Trojans who predicted with certainty that the Greeks would defeat the Trojans, but her contemporaries did not take her seriously. This risk class is a paradox and represents, for the sake of this research the climate crisis. The probability of occurrence and a level of the damage are known, but this does not seem to bring about the required level of alarm and action. This framework aims to integrate technical-scientific as well as social-scientific concepts in order to deduce effective and practicable management strategies.

3.6.2 Risk as a social construct

The definition and classification of risk both point to the fact that it is a social construct. It is unlikely that every individual or group active in an engagement will have the same interpretation of what the risk(s) of that engagement is/are. In this way, risk, just as with accountability, is a social construct dependent on personal experience, ideology, exposure to media, social and political influences and personal networks (Dake, 1992). Since risk refers to the potential of a real outcome, it is both a social construction and a representation of reality (Dake, 1992).

Dake (1992) applies cultural theory to the social construction of risk. The author argues that this theory accounts for the social construction of risk in terms of three linked domains that constitute a way of life: cultural biases, social relations, and behavioural strategies. Dake defines cultural biases as shared beliefs and values that justify different ways of behaving. They are worldviews corresponding to different patterns of social relations. Dake goes on to define social relations as one of five patterns of interpersonal relationships: hierarchical, individualist, egalitarian, fatalist, and autonomous. The argument is that, together with the cultural biases that justify them, these relations are each predicted to arouse shared representations of what constitutes a hazard and what does not (Douglas, 1970b; 1978, as cited in Dake, 1992). The author finds in empirical testing that those who hold an egalitarian bias found dangers associated with most technologies as great, and benefits as small. Those who have individualist and hierarchical leanings have quite different ranking preferences for dangers. The implications of this study are that worldviews equate to powerful lenses which act to magnify one danger, obscure another, and may even disregard others. Dake (1992) uses these findings to reject the 18th century notion that risks are evident to anyone with common sense for the idea that perceptions of risk depend in part on ideologies. He calls for a greater understanding of how socio-cultural systems and ecosystems interact.

3.6.3 Risk communication

The position of Renn and Sellke (2011) is that effective communication must be at the centre of any attempt to assess and manage risk. Risk communication must be present throughout the entire process from framing to monitoring impacts. According to Aven and Renn (2012) risk communication is the key element involved in developing an understanding of risk governance. The primary task of risk communication is creating a bridge between expert judgment and public perceptions of risk. The authors identify four major functions of risk communication to aid in informed decision-making. These are education and enlightenment; risk training and inducement of behavioural changes; promotion of confidence in institutions responsible for the assessment and management of risks; and involvement in risk-related decisions and conflict resolution (Aven & Renn, 2012, p. 1563).

Kasperson and Kasperson (2005) co-edited a detailed book on the subject of risk communication that includes a variety of strategies, common pit-falls and calls for further research. The authors suggest that the first generation of risk communication was synonymous with what we refer to as public relations today. It

was about identifying the target audience, developing the right messages and communicating through the right channels. Next came the 'stakeholder express', which included limited public participation and stakeholder involvement, but this was often after predetermined outcomes had been decided on, so was relatively token. The primary constraint during these times was the failure of risk managers to listen and act upon feedback from the stakeholders or actors who were bearing the risk.

Kasperson (2005) presents six propositions on public participation and their relevance for risk communication and explores each of these in detail. The propositions are differences in means/ends expectations, the timing of the programme, the role of credibility and trust, the need for technical and analytical resources, differing thresholds of public involvement, and limitations upon current understandings. Proposition two, the timing of the programme, provides some useful insights for this research. The author refers to the most common form of inadequate programme timing as "decide, announce and defend" (Ducsik & Austin, as cited in Kasperson, 2005, p. 22). This is the idea that public participation is merely tokenism, and the risk manager or authority has a predetermined outcome in mind. The author also provides ample evidence of the alienating and often ineffective result of communication and engagement through public hearings. The author argues that the risk communicator needs to develop a strong listening capacity to discern issues about distribution of risk and return. Often, risk debates extend far beyond institutional issues and tap into fundamental concerns about the underlying values and overall worldviews of actors (p. 45). Renn and Sellke (2011) argue that it is "not the task of communicators to decide what people need to know but to respond to the questions of what people want to know" (p. 362).

It is clear within risk communication, that a number of positions will arise in a risk arena, and risk communicators must take steps to ensure that all these positions are considered within decision-making. It is important for this research to try and examine several methods of how societies manage risk, and how these risks are constructed within that society. One more approach, often discussed in a New Zealand context, is the precautionary approach, or the precautionary principle.

3.6.4 The precautionary principle
According to O'Riordan and Cameron (1994) the precautionary principle is a concept embedded within culture which derives from dynamic social conceptions of the appropriate roles of disciplines within

proactive environmental protection and management. Just like accountability and risk, the concept is muddy and subject to the changing whims of society. This societal change stimulates the development of the precautionary principle in three ways. These are through the requirement of collective action, the requirement of sharing burdens, and the rise of global citizenship. O'Riordan and Cameron (1994) argue that precaution captures a new mood of "self interest in collective sacrifice" (p. 14). Additionally to this, there are three factors which shape the evolution of the precautionary principle in ecological modernity. These are extending science, anticipatory action and shifting the burden of proof.

O'Riordan and Cameron (1994) suggest that as societies become wealthier, they become more averse to risk. Because of this we can see a shift in the burden of proof from victims seeking compensation to those wishing to change the status quo. However, the pain of anticipatory action can lead to tension within applying a precautionary approach. When traditional cost benefit analyses look heavily in favour of high up-front costs for uncertain and distant gains, then "pro-action in a self-serving democracy becomes sorely tested" (p. 15).

There are six basic concepts embodied within the precautionary principle. These are preventative anticipation, the safeguarding of ecological space, proportionality of response, an onus of proof on those who propose change, promoting the cause of intrinsic natural rights, and paying for past ecological debt. These concepts work together to establish a precautionary approach to decision-making. Finally, O'Riordan and Cameron (1994) propose that the precautionary approach is most likely to be applied where new technologies are proposed in well regulated regimes, where public opinion is instinctively or knowledgably risk averse, and when the principles of regulation allow for judgment as to what is socially tolerable. It is also more likely to be present where there is a culture of care for the less fortunate and the defenceless, or the Other, and where there is openness and accountability in policy formulation and decision-making.

3.7 Literature synthesis

This literature review has illustrated that there are indeed many parallels among accountability, risk, and kaitiakitanga literature. There are significant insights from each strand of literature able to inform one another. Particularly illuminating for this research is how kaitiakitanga, risk communication and agonistic democracy can inform corporate, public and personal accountability in terms of what could happen into the future – accountability for risk. Risk, accountability, and kaitiakitanga are deeply embedded in culture and

socially constructed by actors within that culture or arena. Furthermore, I have shown that methods of managing accountability and risk are products of the prevailing culture within a society, including reporting, risk communication, and the precautionary principle. What needs to be explored now, is how perceptions of risk and accountability arise in a conflict arena, in this case the deep sea petroleum arena of New Zealand, and why do these perceptions manifest in certain ways. This engagement has been selected because there are many aspects of the arena which are contested[26]. Therefore, the three questions of critical importance are:

- How and why do different perceptions of accountability and risk arise in a conflict arena?

- How can the Māori guardianship value, katiakitanga, inform corporate, public and personal accountability for risk in a conflict arena?

- What are the practical manifestations of accountability and kaitiakitanga in this arena and how can these be improved upon?

This research aims to answer these questions by exploring how different strands of literature, can inform data gathered from interviews and documentary analysis within a critical discourse analysis. This methodology is the subject of the next chapter.

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[26] See Chapter Two for these issues of contention.

Chapter Four: Research methodology

This chapter sets out the methodological approach of this thesis. It will give an outline of the overall methodology applied, which is critical discourse analysis. Within this there will be explanations of my interpretation of discourse, the application of discourse analysis to studies of accountability and environmental politics, as well as the importance of story-lines. Next, there will be discussion on Renn's (1992) arena metaphor, which was applied to this engagement in order to examine the issues and answer the research questions. Within the metaphor, there will be an exploration of the theoretical framework applied in order to understand how and why actors in the arena are interacting with one another in certain ways in terms of accountability for risk. Thirdly, there will be an explanation of the methods used for this research; qualitative semi-structured interviews, and media and documentary reviews. This will be followed by a discussion on the importance of Māori consultation and the pōwhiri[27] process when engaging with Māori participants. Finally, reflection and limitation sections have been included to provide a platform for my own academic development and to further the reader's understanding of this thesis.

4.1 Critical discourse analysis

Critical discourse analysis has been used in this research as an overarching methodology. This was selected because of the use of this methodology by other respected authors in similar studies (Hajer, 1995; Sinclair, 1995, Merkl-Davies & Koller, 2012) and due to the evident use of persuasive language in the deep sea petroleum exploration arena. According to Bryman and Bell (2011), "critical discourse analysis emphasizes the role of language as a power resource that is related to ideology and socio-cultural change" (p.538). The most important contribution of any discourse analysis is that it provides a way to unpack the production of social reality (Phillips & Hardy, 2002, p. 82). There are many methods which can be used to analyse discourse but to be considered a discourse analysis, these methods must share assumptions regarding the nature of language (Hardy, 2001). Theorists of discourse analysis assume that language is not just a mirror of reality but that it brings "situations, objects of knowledge, and the social identities of people, and relations between people and groups of people" into being (Fairclough and Wodak, 1997, p. 258). Therefore discourse is about the creation of structures and fields of action through story-lines, positioning and the selective use of

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[27] A pōwhiri is a customary process where the host people welcome visitors into a space (Keane, 2013). See Chapter Four, section 4.4.1.

comprehensive discursive systems (Hajer, 1995, p. 275). To perform critical discourse analysis, it is important to first understand what discourse is.

4.1.1 Discourse

Phillips and Hardy (2002) define a discourse as "an interrelated set of texts, and the practices of their production, dissemination, and reception, that brings an object into being" (p. 3). A set of texts can constitute spoken, written, visual or any other form of communication. In this research, the objects under study are accountability and risk in the deep sea petroleum exploration arena. Phillips and Hardy further elaborate by stating that "social reality is produced and made real through discourses, and social interactions cannot be fully understood without reference to the discourses that give them meaning" (p. 3). Thus discourses are 'concrete' and exist beyond the individual texts which compose them. Discourse analysis is concerned with the constructive effects of texts and is therefore, necessarily interpretative (Phillips and Hardy, 2002).

Because power in the deep sea petroleum exploration arena is so skewed by resource inequalities, it is necessary to examine the social structures and power relationships responsible for creating these forces. Attempting to 'objectively' examine reports, or conduct interviews, would not reveal the true nature, if there even is one, of the discourse. These methods would ignore some of the fundamental driving forces of the engagement. Hajer (1995) warns that we should not solely analyse what is being said but include the institutional context in which this is done. This determines what can be said *meaningfully*. Discourse analysis is employed to illuminate the social and cognitive basis of the way in which problems are constructed. In this way, discourse constrains action while opening up ways to recreate society. Fairclough and Wodak (1997) point out that discourse is not produced without a context and nor can it be understood without considering context. In order for critical discourse analysis to be effective as a research methodology it must be a reflexive process.

Phillips and Hardy (2002) provide a useful guide for researchers new to discourse analysis. The authors offer a checklist of characteristics and dimensions of the critical discourse analysis process which require attention. These include the following: that researchers should avoid totalizing theory and engage in debate among and between theoretical communities; researchers should not hide behind dominant conventions of text production; and that researchers should be aware of the political aspects of research and acknowledge

that they are constructing knowledge through the research process. All of these points have helped me to shape and perform this critical discourse analysis.

4.1.2 Discourse and accountability

Accountability and risk are two examples of concepts which have lost meaning through constant reinterpretation according to different ideological positions. "Discourse analysis offers a way of rediscovering a concept that seems to have become depleted of meaning" (Sinclair, 1995, p. 224). In the accounting literature, several authors have abandoned traditional methods of analysis for more interpretive forms of research. Sinclair (1995) provides a sound justification for her application of discourse analysis in the interpretation of accountability, and argues that an interpretive perspective focuses on understanding how accountability is derived by individual actors interactively through language. Sinclair (1995), as well as Ranson (2003) and Tinker, Merino and Niemark (1982) argue that any conception of accountability is inevitably embedded in ideology. Theories are embedded in "unexamined commitments to particular moral and social orders" and "the factual content of that story is never separable from the duplicates of language and the rhetorical strategies supporting it" (Arrington and Francis, 1989, p. 4, as cited in Sinclair, 1995, p. 224).

If individual and social constructions of accountability are embedded in ideology, then critical discourse analysis is the ideal methodology to examine perceptions of accountability in an arena. Actors locate themselves within certain ideologies and some of these operate from a socially accepted position of dominance. This leads to the subjugation of others (Sinclair, 1995). Gavey (1989) argues that because discourses vary in influence, at any one time a discourse may seem natural while another struggles to gain acceptance. Sinclair (1995) notes that "prevailing conceptions and discourses of accountability, such as the structural discourse of managerial accountability, are the reflection of the hegemony of particular languages and distributions of power in society" (p. 232). Sinclair (1995) further argues that plotting discourses to find what accountability counts for, and to whom and why, is a useful and important endeavour. To better understand accountability we need to recognise that "knowledge production is always a political act" (Arrington & Francis, 1989, p. 4) rather than accepting the prevailing political discourse which places a value and legitimacy on neo-classically derived accounting and accountability.

4.1.3 Discourse and environmental politics

Hajer (1995) conducts an in-depth study regarding the politics of environmental discourse during the policy development of strategies to address the acid-rain controversy in Europe. This research relates to the concepts of accountability and risk in an environmentally sensitive industry, and therefore some of Hajer's ideas on environmental discourse will be helpful in understanding why I have applied discourse analysis. Hajer argues that developments in environmental politics depend critically on the social construction of environmental problems. What is the problem? Do all actors in a specific arena have the same interpretation of the problem? No. Actors are mobilised around certain issues, with certain ideas and concepts which work together to create common understandings of given problems. Hajer's application of discourse analysis aims to understand why a particular understanding of the environmental problem, in a certain place, at a certain time, gains dominance and is seen as authoritative, while other understandings are discredited (Hajer, 1995).

According to Hajer (1995), discourse analysis is able to investigate "the boundaries between the clean and the dirty, the moral and the efficient, or how a particular framing of the discussion makes certain elements appear as fixed or appropriate while other elements appear problematic" (p. 54). Further, it is enlightening to examine which institutional arrangements allow this phenomenon to occur and which course of action, individual or group, benefits from this. Hajer stresses the importance of analysing the institutional structure in which a discourse occurs. This is as important as what is being said itself. Marx's often quoted maxim that "people make their own history but not under conditions of their own choosing" (Marx, as cited in Hajer, 1995, p. 55) holds steady. This is interpreted to mean that actors are not really free to act at all because they must operate within the existing social structures. Thus, the social, economic, and political context is a discursive construction. Rules, norms, and conventions which make up the arena have to be constantly reproduced and reconfirmed. This leads to the necessary acknowledgement that the power structures of society can and must be studied directly through discourse. This poses both a challenge and an opportunity for this research to delve further into the underlying power structures present in the New Zealand deep sea petroleum exploration arena and Renn's (1992) arena metaphor will provide an effective framework to do so.

4.1.4 Discourse coalitions and story-lines

According to Hajer (1995), the idea of sustainable development should be seen as a struggle between various unconventional political coalitions, each comprising a number of actors including scientists, politicians,

activists, or organisations. These actors all have special links and relationships with issue amplifiers to communicate with each other and the public. These discourse coalitions construct and maintain a particular way of talking and thinking about an issue. This way of talking and thinking can be thought of as a story-line, and discourse coalitions can become united around a particular story-line. Tregidga, Milne and Kearins (2015) suggest that what is absent in a number of research articles exploring 'sustainable development' "is the acknowledgement that politics, vested interests, power, lobbying, regulatory capture and the production of ideology and hegemony all play a role in advancing (dominant) social and ecological relations" (p. 4). According to these authors, a hegemonic discourse (or story-line) cannot fix meaning because exclusion and difference are intrinsic to that meaning. There will always be an 'outside' that threatens the stability of the 'inside' and it is the realisation of these alternatives which gives hope for resistance.

"Storylines are narratives on social reality through which elements from many different domains are combined and that provide actors with a set of symbolic references that suggest a common understanding" (Hajer, 1995, p. 62) In other words, a story-line works as a metaphor. If a story "sounds right" (p. 63) an actor will trust that story. Therefore story-lines can play an essential part in the "clustering of knowledge, the positioning of actors, and ultimately, in the creation of coalitions amongst the actors of a given domain" (p. 63). Hajer suggests that there are three key functions of a story-line in an arena. Firstly, a story-line can facilitate the reduction of the discursive complexity of a problem. Secondly, if a story-line is accepted, and a number of actors tell the same story, it can attain a ritual character, and provide permanence to the arena. Finally, story-lines enable actors to expand their own understanding and discursive competence of the phenomenon beyond their own expertise or experience.

Discourse coalitions, particularly those working to create an alternative narrative, can face the dilemma of whether or not to argue on terms set by the prevailing discourse, or insist on their own terms and language. This is a question of whether to use the language and story-lines set by the dominant discourse to achieve objectives, or to try to tell a new story and mobilise support around that story-line.

4.2 Theoretical approach

Renn's (1992) arena framework and its approach to risk is an appropriate metaphor for this research, and this metaphor will be extended to examine accountability for risk. This framework can be viewed as a tool to

examine communications and relationships between actors, and Beck's (1992) risk society will explain why actors are accounting for risk to one another in certain ways.

4.2.1 The arena metaphor

The arena metaphor allows the differentiation of stakeholders and the consideration of interactions and engagement dynamics around an issue (Renn, 1992), by altering the entity concept away from a single organisation towards an issue around which different organisations engage (Georgakopoulos & Thomson, 2008). Figure 1 below illustrates the arena concept.

Figure 5 The arena metaphor
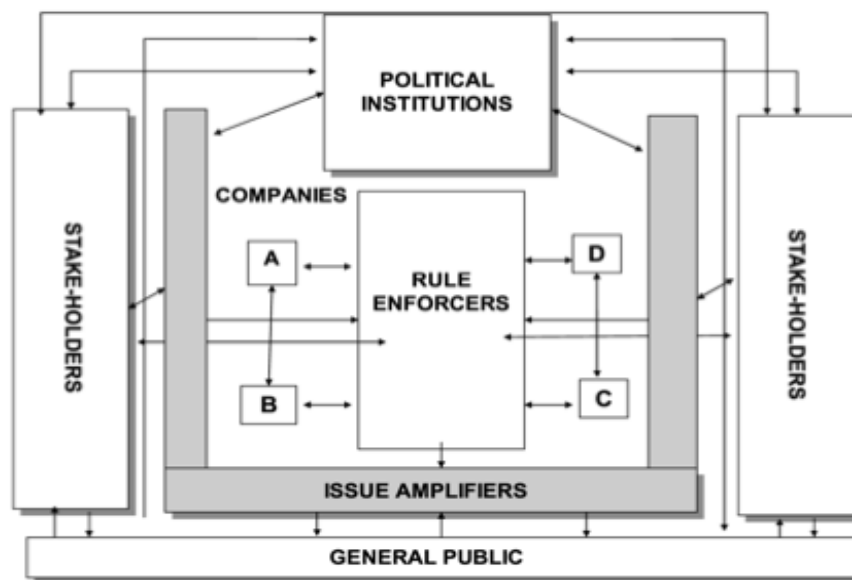
Source: Renn, 1992, p. 192, as used in Geograkopoulos & Thomson, p. 1120.

Georgakopoulos and Thomson (2008) advise that there is more needed to understand the social and environmental impacts of a company or sector than a single social report from a single participant. Understanding is composed of the information that flows from different engagements, and depends on what information is made available to other parties (Georgakopoulos & Thomson, 2008). Given the wide nature of the deep sea petroleum exploration discourse in New Zealand, which includes strong political and commercial support, strong political opposition, extensive media coverage, ardent activism, and indigenous engagement, I believe the breadth of information in the discourse necessitates an arena application. Further, in the framework, Renn (1992) proposes that power dynamics affect the nature of engagements and social reporting practices. Powerful participants can access all the information they require but less powerful

participants may only have restricted access. Because of this, engagement activities may address power imbalances, for example, the sharing of data and resources for a common purpose (Georgakopoulos & Thomson, 2008, p. 1123). Anadarko's total reported assets in 2014 were $61.7 billion USD[28] (Anadarko Petroleum Corporation, 2015) with a total revenue of $18.5 billion USD. When placing this alongside the Statistics New Zealand estimate of New Zealand's GDP for 2014 of $240 billion NZD (Stastics New Zealand, 2015) we can already see serious power imbalances. To put this further into context, the largest activist group, Greenpeace NZ, has total assets of $4.87 million NZD with a total 2014 revenue of $9.79 million NZD. A rule enforcer, the EPA has assets of $17.43 million NZD with a total 2014 revenue of $34.66 million NZD. When a single multinational corporation has assets equal to almost a third of a developed country's GDP, as well as over 3,000 times the assets, and 400 times the revenue of a regulator, then there will be imbalances that need addressing. Thus, it is necessary to apply a framework to the discourse, which includes the consideration of power imbalances. Renn (1992) argues that the arena gives researchers a clearer understanding of "the structural factors that shape interactions among actors and influence the outcome of social conflicts over risk" (p. 180).

4.2.1.1 The structure of the metaphor

The arena describes the symbolic location of actions, social or political, which influence collective decisions or policies (Renn, 1992, p. 181). The arena provides actors with the ability to engage with decision makers and influence outcomes. Behaviour is not defined by traditional roles and routines, actors may use innovative approaches as well as traditional methods. However, arenas are regulated by norms and rules. Actors can abide by these rules or ignore them if they feel they will not gain public support, or if the rule enforcer is not powerful enough to regulate actors who violate the rules. The arena and its rules are not static, interactions may change the rules as they occur, and social and political actions may evolve as "actors experience the boundaries of tolerance for limited rule violations" (p. 184).

4.2.1.2 Application of the arena metaphor to risk.

Risk arenas, just like any other arena, function under structural rules and constraints. Risk debates tend to focus on two issues:

- What is an acceptable level of risk?

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[28] Exchange rates: 1 USD = 1.32 NZD (XE, 2015) at the time of writing.

- How are risks and benefits 'measured' and distributed in society?

The details of this will be addressed in the next section on Beck's (1992) risk society as there is a lot of overlap between Renn's brief overview of risk arenas and Beck's risk society, but there are a few more characteristics discussed by Renn that are worth mentioning.

Renn refers to the *evidence trap*. This is the idea that finding a compromise during a conflict requires agreement on evidence. Each actor or group in the arena can provide conflicting evidence about impacts, probabilities and likelihoods. Which evidence is right or represents the truth? This conflicting evidence makes it difficult to reach a consensus. Another issue that Renn points out, is the structural weakness of risk management or rule enforcement agencies in risk arenas. Since evidence presented by different actors is so often contested and conflicted, rule enforcers struggle to meet and balance the expectations of other actors, particularly balancing trust with efficiency. Because of the weak position rule enforcement agencies are placed in, risk arenas, including the New Zealand deep sea petroleum exploration arena, tend to experience more rule innovations than other arenas with strong enforcement agencies[29].

Most members of the public are often confused and frustrated by the competing evidence claims and the resulting ambiguity presented by different actors. The public has developed several strategies to deal with this confusion and frustration and this is related to cultural cognition[30]. Social actors tend to use moralisation and polarisation to mobilise support because it provides them with value commitment and social influence (Renn, 1992, p. 192). As the conflict approaches resolution, often evidence is contested so it is not able to play a substantial role in compromise. Value commitment and social prestige is polarised between adversarial actors and their supporters.

4.2.1.3 Ideal format for a research project

Renn's (1992) chapter is written as a tool for researchers to apply the arena metaphor to a discourse. He provides a useful outline of how best to approach a project to explain risk conflicts. These include selecting an arena; identifying actors; identifying formal and informal rules; the role and strength of rule enforcement

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[29] See Chapters Two and Seven for more discussion on this point.
[30] Cultural cognition is "the process by which all of us – regardless of political leanings – filter new information in ways that protect our 'preferred vision of the good society'" (Kahan, as cited in Klein, 2014, p. 36–37).

agencies; analysis of communication patterns between actors and development of a model to explain actors' behaviour and outcomes. These steps have been followed in this project.

4.2.1.4 Arena conclusion

The social arena concept provides a sophisticated and powerful instrument to analyse the discourse surrounding issues and risks in particular. It helps to clarify the actuality that often risk conflicts may not actually be about risks but the symbolic issues and actions involved in the risk debate. Previous work has focused on perceptions, actions and social phenomena of engagements without acknowledging the social, political or cultural context in which the discourse is occurring. The framework provides a tool to examine the structural rules and norms within the arena as well as the perceptions of the actors.

There are limitations of the arena concept which should be acknowledged. Presenting real actions, conflicts and risks as an arena may have the effect of portraying an engagement with serious consequences as a game. This should not be the case. Additionally the emphasis on the use of social resources[31] to mobilise public support for a cause should not obscure the fact that many actors are genuinely concerned for the outcome and mean what they say. Many actors will not consider their actions to be 'mobilising resources'.

4.2.2 Risk society

> Where everything turns into a hazard, somehow nothing is dangerous anymore. Where there is no escape, people ultimately no longer want to think about it (Beck, 1992, p. 36-37).

This quote from Ulrich Beck's *Risk society: Towards a new modernity* (1992) best sums up how society and industry currently, even 23 years later, approach thought on risk. This includes potential risks already experienced in other geographies such as oil spills, or unseen risks already occurring such as anthropogenic climate change. In this book, Beck outlines the theory of the risk society. The basic thesis is that risk is directly bound to the concept of modernisation. With economic development, globalisation and industrialisation comes risk. Risks may be defined as "a systematic way of dealing with hazards and insecurities induced and introduced by modernization itself" (p. 21). Therefore risks, growing in number and scale, are a direct result of modernisation.

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[31] The social resources aspect of the arena metaphor was not useful for this research project, so the framework was modified to reflect this.

Perrow (1999) complements this by arguing that two characteristics - interactive complexity[32] and tight coupling[33] - lead to the inevitability of accidents, which are *normal* or system accidents. These accidents can be rare, but can also be catastrophic. Perrow suggests that rather than blaming certain events, people, equipment or all of the above for accidents, the blame should lie with the interaction of multiple failures. In this way the accident is normal, not in the sense of being frequent, but in the sense that an inherent property of the system is to experience an interaction leading to a normal accident. In terms of petroleum exploration, this idea is developed by Unruh's (2000) 'carbon lock-in'. Anthropogenic climate change is a direct result of the way that we have constructed our economy and society. We have normalised the slow poisoning of our atmosphere, which is now a necessary externality of our 'way of life'.

"Scientific rationality without social rationality remains *empty*, but social rationality without scientific rationality remains *blind*" (Beck, 1992, p. 30, emphasis in original). This is where the tension begins. On one side, the emphasis for change is through technology to manage and minimise probabilities of accidents. On the other it is in changing the industrial mode of production. This is where perceptions of risks and the precautionary principle come into play. "The social effect of risk definitions is therefore not dependent on their scientific validity" (p. 32).

Defining and responding to a risk has two sides, the risk itself and the public perception of the risk. One is defined by scientific probabilities, the other is socially constructed in the minds of the people in which the risk affects or may affect in the future. It is unclear overtime whether risks intensify or if it is society's view of them which does. Both sides of this risk, the scientific and the social, affect, relate to and converge on one another. Because of this, perceptions of risks and risks are not different, they are one and the same (Beck, 1992, p. 55). Beck (1992) argues that wider society rejecting scientific definitions of risks is not 'irrational' but instead indicates that acceptability contained in scientific and technical measures of risks are wrong (p. 58). If it is acceptable to a number of techno-scientific experts but not the larger population, then how can it be an accurate definition of risk?

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[32] Interactive complexity is when two or more failures among components in a system interact in an unexpected way (e.g. see Perrow, 1999, p. 4).
[33] Tight coupling is when failed parts in a system cannot be isolated from other parts (e.g. see Perrow, 1999, p. 4).

Beck (1992) refers to acceptable levels as "cognitive toxic floodgates" under the control of risk scientists (p. 64). He compares acceptable levels of risks such as toxins in the air, water and food, to acceptable levels of poverty in wealth distribution. He reminds us that even though actors are limiting pollution, they are still polluting. Acceptable levels make minor levels of harmful substances harmless, "they are blank checks to poison nature and mankind a bit" (p. 64), and they are not about the prevention of, but the permissible extent of poisoning. In this sense, acceptable levels are "the retreat lines of a civilisation supplying itself in surplus with pollutants and toxic substances" (p. 65). This thinking is developed by McDonough and Braungart (1998) and coined as 'eco-efficiency'. The authors say that eco efficiency, by promoting making more with less, still works within the same system that caused the problem in the first place. Because of this it just makes the old, destructive system less so. As the system continues to grow, however, the pursuit of eco-efficiency becomes redundant as total output grows. Beck brings all these risks together, and makes them real for society. He asserts that environmental problems are not just the problems of our surroundings, but through their consequences, environmental problems are social problems.

The reality of the relationship between risk and modernisation is that risk is being normalised into our modern economic and social systems, this thinking is developed specifically for global climate change by Unruh's (2000) 'carbon lock-in' work. The implication of this is not just that there is a probability of a given risk occurring, it is that risks are present, their consequences will be suffered, and as they become more normal and acceptable, risks will continue to get worse. In the risk society, where we live today, everyday actions by individuals and organisations, such as driving to work, poison our atmosphere just "a bit" (Beck, 1992, p. 64). This poisoning is a direct result of carbon-lock in. Carbon lock-in can be thought of in terms of Perrow's (1999) normal accidents, where the system which drives our society and economy has such a high level of interactive complexity and is so tightly coupled, that the climate crisis and catastrophic petroleum spills have become 'normal'. Therefore

> The risk society is thus not a revolutionary society, but more than that, a catastrophic society. In it the state of emergency threatens to become the normal state (Beck, 1992, p. 78).

4.3 Methods

Because of the necessity to explore subjectivities, content analysis and surveys would have left a lot to be desired. Therefore, it was appropriate to conduct in-depth, semi-structured conversations (Walton, 2007), in

order to draw out the actors' interpretations of these phenomena. Additionally, reviews of documentary and media evidence were performed to contextualise and develop findings. Because I was interviewing human subjects, sometimes outside of their professional positions, I was required to get approval from the Human Ethics Committee at the University of Canterbury (Human Ethics Committee, 2014). Attached in Appendix Two is a required information and consent form sent to and signed by all participants. This study required a standard application because although it did not raise any issue of deception, threat, invasion of privacy, mental, physical, cultural risk or stress (Human Ethics Committee, 2014), I did approach members of Te Rūnanga o Ngāi Tahu for interviews. No project regardless of level will be considered low-risk if it involves tangata whenua (Human Ethics Committee, 2014). I was also required to consult with the Māori Research Advisory Group at the University of Canterbury, which proved to be an invaluable opportunity.

4.3.1 Interviews

An outline of the identified actors in this particular arena is attached in Appendix One, the majority of these actors were willing to be acknowledged by name and have their comments attributed to them, but to protect the identities of those participants unwilling to be acknowledged I have given pseudonyms to all participants. We worked together to come up with suitable role descriptions. In total, 17 unique interviews were conducted, 16 individual conversations and 1 group conversation. The conversations were conducted between 30 December 2014 and 27 March 2015 around New Zealand and lasted between 30 and 90 minutes each. Interviews were recorded with the permission of participants on a Roland R-26 digital recorder. I transcribed the recordings in full to ensure full immersion of data and themes, and did this soon after each interview, rather than at the conclusion of data-collection.

The most difficult part of the interview process was finding the right balance between a semi-structured interview and an unstructured conversation. The former may generate leading questions, shaping the interview too much, and not allowing emergent themes. Given the content, the latter may too easily lead to the conversations going off track and data being too fragmented to generate any useful findings. The conversations heard the stories of the conflict (Walton, 2007), and provided accounts of insiders' interpretations of the context (Phillips & Hardy, 2002, as cited in Walton, 2007). Additional questions were asked to clarify and maintain focus.

Myers and Newman (2007) provide a detailed guideline for conducting qualitative interviews in information systems research. The authors set out a number of common pitfalls and problems in the qualitative interview. These are the artificiality of an interview; lack of trust and time; level of entry; an elite bias; Hawthorne effects; constructing knowledge; ambiguity of language and that interviews can 'go wrong' (Myers & Newman, 2007, p. 4-5). I was cognisant of these pitfalls during the interview process, and took measures to minimise the risk of these occurring. The most relevant pitfalls upon reflection of my research are the elite bias, Hawthorne effects, constructing knowledge and ambiguity of language. I have made it clear that I am aware of the issue of constructing knowledge in this chapter. The elite bias is an issue when conducting interviews within an arena framework. This is because I am identifying representatives or spokespeople for particular actors – these will naturally, considering their position, be elites. The ambiguity of language was a barrier to my interview because generally I was exploring interpretations of ambiguous terms – i.e. accountability. I often had to explain what I meant by my questions around accountability, and had to make it clear it was open to interpretation by participants. The Hawthorne effect acknowledges that the interviewer is a part of the interactions and influences those interactions. I have also been careful to acknowledge this by being clear about my role during interviews, and in writing up results.

Myers and Newman (2007) also provide a critique of reporting interview processes in journal publications and how this is often underemphasised by authors. Because of this, I have paid special attention to these critiques and ensured the significance of the power of the qualitative interview is emphasised in this thesis. Finally, Myers and Newman (2007) set out guidelines for ensuring success when using qualitative interviews. These are situating the researcher as an actor; minimising social dissonance; representing various 'voices'; acknowledging that everyone is an interpreter; using mirroring in questions and answers; flexibility and confidentiality. These guidelines have been followed during the course of this research.

Flexibility in designing and refining interview guides was essential for a subject as open to interpretation as this (Horton, Macve, & Struyven, 2004). As I carried out the interview process I consistently reassessed the conversation guide to include emergent themes, this was all part of ensuring the reflexivity of my research which is necessary in critical discourse analysis. The key questions used to guide the conversations are attached in Appendix Four. These questions were phrased to try and avoid leading participants towards my

own subjectivities. This was a difficult task, and providing the option to participants to review and confirm quotes and ideas attributed to them minimised this issue.

Email was the main form of contact. Every participant but four responded, and interviews were arranged if both the researcher and the participant felt it was necessary at the time. A rule enforcer suggested other more appropriate contacts, two industry participants, one industry supporter and one iwi representative did not reply at all.

4.3.2 Documentary evidence review

In order to contextualise the semi-structured conversations, I performed a broad qualitative documentary review. The documentary review included many forms of communication from Anadarko and other industry publications including annual reports, website disclosures, press materials and more. It also included governmental, legislative, regulatory, Hansard, and judicial publications. On the other sides of the engagement I analysed press material, reports released, and social media use by activists, academics, local councils, and stakeholders for and against drilling. All this documentation is included in the bibliography and ranges predominantly from 2010 to 2015.

4.3.3 Media evidence review

I reviewed media sources on the discourse in order to interpret how deep sea petroleum exploration has been framed by different actors in the media (issue amplifiers). In order to get a wide understanding of the arena before undertaking semi-structured conversations with actors, it was necessary to perform the media review. Doing this made it possible to identify a great many vocal actors, all the notable events in the arena over time, and the language used by these actors in the media. The media analysis had a twofold effect. It allowed the development of a full picture to use as a frame prior to the interviews, but also to see how it had been framed by one of the arena actors 'the issue amplifier'. It is important to acknowledge however that these are my interpretations of another writer or journalist's interpretative frame. This data was used, just as with the documentary evidence, to contextualise the arena.

The Factiva database was used. The keyword in the search was "Anadarko" and the time parameter was 26 July 2011 – 26 July 2014. The Factiva database includes a large number of commercial New Zealand print and online newspapers, national and regional, including the Sunday Star Times, The New Zealand Herald,

Manawatu Standard, The Nelson Mail, The Southland Times, The Press, Dominion Post, and Otago Daily Times. This returned 391 results some of which were duplicates with small changes. Emergent themes, points of interest and quotes from different actors were all noted into a spreadsheet for review.

4.4 Māori consultation

During the course of my proposal development and media review it became clear that tangata whenua play a very significant role in this arena, so including interviews and data collection from indigenous sources would be invaluable to this research. In order to gain the required human ethics approval for a research project, it is also necessary but advantageous to perform Māori consultation (University of Canterbury, n.d.a) with the Māori Research Advisory Group (MRAG) (University of Canterbury, n.d.b). This is because as tangata whenua, Māori hold a significant place of importance in any New Zealand discourse, and hold a vast knowledge bank that can contribute significantly to the advancement of knowledge in Aotearoa New Zealand (University of Canterbury, n.d.a). Consultation with Māori was integral to ensuring that my research project remained robust and transparent to the Māori community. The possibility for strengthened relationships through the exchange of knowledge between the researcher and the Māori community is beneficial for both parties, myself as well as my participants. The consultation process involved completing a Māori consultation form, attached in Appendix Three, as well as meeting members of the MRAG to discuss strategies for engagement. The MRAG helped me make contact with participants, explore additional literature, and provided guidance on preparing for the interview process.

4.4.1 Process of engagement with Māori participants

When engaging with Māori as participants it was essential that I remained cognisant of sensitive values and beliefs, therefore I based my engagement process on the pōwhiri process in mental health research (McClintock, Mellsop, Moeke-Maxwell & Merry, 2012). This process is based on the notion of respect and building a positive relationship between the tangata whenua (in this case as hosts or research participants) and manuwhiri (guests or researchers – myself) (McClintock et al. 2012).

As tangata whenua held the knowledge that I wish to share, tangata whenua were to determine the space and time where the pōwhiri took place. To maximise the chance of a positive outcome for this engagement it was of the utmost importance that I, as a guest and a researcher, practised aroha kit e tangata (respect for the

person) and kaua e takahia te mana o tangata (not trampelling over the authority of the person) (Te Awekotuku, as cited in McClintock et al., 2012). Because of this, the participants organised a time and place which suited them and enabled them to feel comfortable.

There are four traditional elements of the pōwhiri process which are relevant to this research project. These are karanga, mihimihi, whaikōrero, and koha (McClintock et al., 2012). A karanga is a physical call of invitation that allows right of entry into a particular area. The karanga is under the control of tangata whenua, and they may respond by either ignoring a request to meet or accepting the appeal for engagement. This function roughly aligns with the return of the consent form in the research context. It is a signal of acceptance (McClintock et al., 2012, p. 96-97).

The mihimihi is the time to make a connection as well as recognise the purpose of the meeting. This is when the researcher can clarify intent and outcomes. The goal of this stage is to ensure that tangata whenua feel like they are partners in the study. A core value which is paramount to this stage of the engagement is whanaungatanga. Whanaungatanga embodies the fundamental ideas of links acknowledging the past, strengths of whānau (family) and spiritual and emotional support. There is an expectation on the part of tangata whenua that the researcher is truly involved and has a personal commitment to the topic and community being researched. A researcher who shares a common history with participants and the land which they treasure is valuable to Māori (Bishop, 1998; Durie, 2003, as cited in McClintock, 2012, p. 97).

Whaikōrero is the time for in-depth, focused discussion as well as respectful listening. There are two traditional values that play an important role here – tapu (cautionary), and noa (familiar). This phase must provide sufficient time for exchange of information between parties and it is important that participants are well informed about the study so they can ask questions and receive clear and full responses (McClintock et al., 2012, p. 97).

Koha is a physical demonstration of appreciation. This is to be offered to participants who have shared their precious knowledge and played the role of host to the researcher. It also acknowledges that the research has been a shared commitment between researcher and participant. This process was essential to ensure sensitivity in engagement with tangata whenua, but also provided a useful model for ensuring mutual respect with any participant.

4.5 Reflexivity

I believe that meanings and norms become real, and form a reality that confronts an individual or organisation through continuous interaction (Chua, 1986). Parker (2002) suggests that not only is history made up of a set of stories, but these stories and the conflicting interpretations of these stories can point actors in different directions. These beliefs about reality can be applied to the New Zealand deep sea petroleum exploration arena. The essence of this research is an interpretive exploration into how the ideas of accountability, risk and return are used and perceived in an engagement. Because of this, it is effectively an exploration of how subjectivities shape an engagement. No single actor will have the same interpretations and expectations of these terms, and nor will I as the researcher. In this way, understanding will be socially constructed through examining the engagement process between different actors in the arena, and theoretical development will be reflexive. As Hajer (1995) paraphrases Foucault, reflexive research should start from the realisation that science does not produce truth but only truth claims (Hajer, 1995, p. 282).

It is important to acknowledge that as a researcher, I have not been raised in quarantine, isolated from the social and political environment in which I exist. Because of this, it is not possible to maintain a 'scientific' level of objectivity but I would argue that no social-science researcher is able to do this. It is recognised that such an idealistic position is impossible for me to attain given the 'personal baggage' (beliefs and values) that I bring to this investigation (Marginson, 2004).This is a topic bound to stir emotions, ignite passions, challenge assumptions and enlighten current thought, therefore an inductive approach to constructing theory is applicable. By no means is this a limitation, it must merely be noted that this subject is open to interpretation, and I as a part of the socio-political environment of the discourse am also effectively an actor in the arena. Hajer (1995) argues that applying a realist approach to an examination involving the natural environment assumes that the environment being discussed in a discourse is equivalent to the environment 'out there' (p. 16). This fails to recognise that all of us act upon images of reality and are dependent on different discourses to express ourselves. Therefore research examining accountability for risk should recognise and reflect pluralism (Byrch, Milne, Morgan & Kearins, 2015).

Hardy (2001) provides a number of ways to enhance reflexivity including acknowledging that language constructs rather than reveals reality; allowing different voices to pervade the text; acknowledging that not all voices are represented, nor are they on equal terms; and avoiding rhetoric and convention. Following

these guidelines has allowed this study to be attentive to the power relations between the researcher and researched, and to remember that researchers are not only readers, but producers, of discourse. This thesis is now a part of the discourse.

I am a 26 year old accounting, economics and music student with serious concerns about the future. My key concern is climate change, and the effects that this will have on the future economic, social, environmental and cultural landscape of my city, country, and the world. Because of this, I am involved in a non-partisan climate change solutions advocacy group Generation Zero. We believe that climate change should not be an issue exclusively for 'the left' or 'environmentalists' because of the serious economic consequences of a warmer world. This is why we remain non-partisan. However, at this time a concern about climate change automatically becomes a partisan activity, and this comes down to powerful discourse coalitions.

What is important to acknowledge at this stage, is that this research project is first and foremost about *my* learning and development as an academic. I decided to explore this issue with little knowledge of it other than a few newspaper articles and informal conversations. During the course of the research I developed preconceived notions about what the next step would be like, and at every step these preconceptions were smashed, then reaffirmed, then smashed once again. The most important thing I learnt is that there is so much more to learn. In this way, I had my own internal 'dialogical struggle' (Bryman & Bell, 2011) about what and who was 'right' or was speaking the 'truth'. Because of this baggage, and these preconceptions, it was a constant challenge for me to try and maintain balance in attaining and conducting interviews. However, I believe that I developed strong rapport with all of my participants, even ones who I disagreed with at times. This may be due to the contrast between my formal training in economics and accounting, but an upbringing deeply embedded in ideas of conservation, and social justice. It may just be that despite what I may read in the media and literature, every organisation, department, or actor is, or is made up of human beings, who in the end want the same thing. I had to constantly remind myself of this, and was constantly reminded, and surprised by this during the research process. It made me seriously question my own beliefs and assumptions.

I also struggled with maintaining balance in the writing up of the thesis. Because I feel that the more balanced this thesis is, the more it will upset all the actors/participants. If I took sides it would appease those

sides, if I take no sides, it will upset all sides. This may be paranoia on my part, but it was a constant internal struggle. I feel that providing balance will be more effective for advancing knowledge, but also more effective in the long term for all actors. It is important for me, as well as these actors, to be able to understand other actors in the arena, their ideology, their approach, their arguments. In this way, it was important for me to use my privileged position as a researcher to maintain relationships with all actors and give them all a dignified voice in the arena, so they can all hear each other.

Another challenging opportunity during the course of this research was that for a few years I have known that I have Ngāi Tahu heritage, but have not done anything about it - a ludicrous oversight on my part. I have used this research as an opportunity to reconnect with that heritage and explore some of the history and culture of Ngāi Tahu. It has been incredibly challenging, but hugely inspiring. With each new meeting I have, including Associate Vice Chancellor (Māori), the director of Ngāi Tahu Research Centre, and various other iwi members I have discovered how very little I know, and how much there is to learn, which is an important step for any researcher. While daunting, this prospect is also very exciting.

4.6 Limitations

The fundamental limitation to this Master's research is that it is Master's research. The entire project has to be undertaken within one calendar year, with significant time, resource and ethical constraints. Because of this, I have to constantly balance wanting to undertake the best possible piece of research with these given constraints. This can often involve sacrifices. Examples are having to conduct phone interviews, and not being able to travel frequently to perform interviews. A consequence is that the research is not a definitive account of the deep sea petroleum exploration arena today and everything leading up to it from the beginning of time. It is a slice of the arena, based predominantly around Te Waipounamu, the South Island of New Zealand. If I were able to travel to Taranaki, for example, where oil and gas exploration has taken place for over a century I may have had very different findings. This indicates that the arena metaphor, while important to encompass a variety of actors, leaves something to be desired when aiming to saturate perspectives.

Because this is Master's research it is just as much about my learning and development as a researcher as it is about moving knowledge forward. As much as I would like to ignore this fact, I am a student, and this is

my first large-scale research undertaking. I am learning how to research, while researching. This is an opportunity as much as it is a limitation.

Another limitation is the method I used to identify participants, reviewing media articles. This was the simplest way for me to observe and construct an outline of the arena and identify participants, but it is important to bear in mind that the media is sensationalised. The stories are made to be engaging, polarising and as exciting as possible in order to increase readership. The flow-on effect of this method is that for the most part I have participants which are polarised, vocal, and active in the arena. If individuals are relatively satisfied with, or indifferent toward the activity, then they are unlikely to appear in the media. Because of this I also had to constantly strive to provide balance to my findings. I feel that despite the challenges this presented, I have provided a sufficient level of balance between representations of participants in my findings chapters, especially considering my ontological, epistemological and reflexivity section.

For the most part, contacting participants was simple and would be considerably more difficult in other geographical areas. A huge advantage of conducting this research in New Zealand is the ease of access to participants. However, it was more difficult to contact prominent industry members, as well as other supporters of industry who are maybe less vocal than opposition or other interests. Of all the participants I contacted, four did not respond. This was a challenge at the time, and in order to be methodologically sound, I should have followed them up. Instead, considering time and resource limitations, I identified other actors who were able to take their place in the arena to work within these constraints.

A significant way through the project I made the conscious decision not to interview Government ministers. This is for three reasons. The first is that these actors often repeatedly use the same lines in the media and I have no reason to believe they would treat me any different. Secondly, the ministers change portfolios often, for example there was a change in the Minister for the Environment during the course of this research. Finally, the power relationship between a student and a Government minister means that it could be difficult to ask questions of critical importance. Particularly, those questions that are critical of the programme. Although I am confident ministers are used to this, I felt a better use of my time was to provide a channel to give a voice to actors not often heard in this arena, rather than ministers who already have a lot of public

relations and available documentation. I have supplemented this lack of primary representation with a number of secondary sources.

4.7 Methodology conclusion

This chapter has set out the overall framework for this piece of research. This is essential to understanding the development of the research process, as well as the development of the researcher. Within this chapter the wider methodological framework of critical discourse analysis was explored, as well as the theoretical frameworks of Renn's (1992) arena metaphor and Beck's (1992) risk society. It was also necessary to explain and justify the choice of method, as well as the critical importance of Māori consultation and engagement. This is particularly true for my research and development, having spent the majority of this study exploring my own whakapapa[34]. Finally there were reflexivity and limitation sections which are essential for any researcher and reader to be aware of when working to unpack discourse.

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[34] Geneaology – See Section 2.4.

Chapter Five: Perceptions of risk, accountability and kaitiakitanga

The two phenomena explored during interviews were perceptions of risk and accountability, and therefore accountability for risk. Within perceptions of risk, three general themes emerged during conversations, definitions of 'risk', the precautionary principle and how others perceive risk. There were three strands within perceptions of accountability. These are corporate, public and regulatory, and moral/personal. Also, a unique part of this research was perception and practice around kaitiakitanga among actors in the arena, particularly iwi members. These themes, and their relationships with one another will be the content of this chapter.

5.1 Risk

Discussion of risk among actors was more cohesive than discussion on other aspects of the arena. This potential was alluded to in the theory around discourse and discourse coalitions, and can be attributed to the power of an effective story-line. For example, the persuasive language and strong communication campaigns between prominent activist groups and industry members to their relative supporters as well as through media channels. The fundamental risks discussed in almost every single interview, whether activist, MP or industry were the risk of oil spills and climate change. Other risks discussed less frequently but still more than once were seismic surveying risks for marine mammals, flow-on economic risks due to national brand damage, loss of economic sovereignty and the reality of living in a local economy and society reliant on petroleum production.

While there were a vast number of different risks discussed in these interviews, mentioning and analysing all of them in this thesis would be time consuming and reinventing the wheel. Extensive media coverage has drawn out what actors perceive as the risks. What this research will be more useful for, is trying to explain why actors perceive risks in different ways and how they communicate/account for those risks, or expect to be communicated/accounted to for those risks. For the sake of brevity, I will focus on the local impact of a spill and the global impact of the climate crisis with a brief discussion on seismic surveying.

Rachael, who is currently researching Māori engagement with extractive industries through her own engagement as a rūnaka representative, summed up the overall risk profile succinctly. "From a generalist perspective the risks are around health and safety of people, health and safety of the environment, and health

and safety of the world." This is a pragmatic explanation and refers to what we talk about when we talk about risk rather than what the risks are. Mary, the city councillor of an affected city I spoke with expressed the importance of directing the conversation towards global issues rather than the 'NIMBYism'[35] associated with spills. A spill "would be absolutely devastating for New Zealand and for the city, but I think the risk is relatively small. If that's all we were worried about then it would be quite hypocritical, but it's not! It's fundamentally not." Graham, the industry representative I spoke with was willing to acknowledge climate change as a threat. "It's not really a risk, we know climate change is occurring, a risk implies it hasn't happened. We acknowledge that climate change is occurring, and we acknowledge that the use of fossil fuels is definitely a contributor to that." The industry and its supporters use the 'can't turn off the tap overnight' and 'way of life' arguments and suggest that natural gas is a 'transition fuel' between coal and a low carbon economy. Mark, a senior official from a government agency closely involved with petroleum exploration, made a suggestion regarding climate change policy. "From a political perspective you're having to trade-off your international leadership position on climate change and the need to act with the reality that you need to fund infrastructure, hospitals and schools, and your development of New Zealand."

However, a number of communications from activists, MPs and councillors still focus on the risk of a spill. This is usually described by industry and supporters as low-risk, high consequence. Many in opposition agree with this but still wish to apply the precautionary principle to the process. One factor often overlooked by opposition but never by industry and supporters is the fact that, despite the devastation seen during the Deepwater Horizon and Rena disasters, industry and regulatory agencies do actually learn from these events. I spoke with Phil from a government response agency, the body in charge of spill response in New Zealand. The representative advised that as a consequence of being directly involved with the response to Deepwater Horizon and the Rena disasters, the agency has "instituted new initiatives in regard to regulatory response issues, so we're quite up there. We're fairly respected in international engagement process. If you look at the way we did Rena, generally that was ok." Graham, the industry representative I spoke with referred to the Deepwater Horizon disaster, which seems to be inevitable in any media articles on deep sea exploration. He emphasised the risk as very, very low. He went further to say that "what happened there would be almost

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[35] Not in my backyard: A NIMBY is "a person who objects to the siting of something perceived as unpleasant or hazardous in their own neighbourhood, especially while raising no such objections to similar developments elsewhere" ("NIMBY", n.d.).

impossible to happen again. Because you learn right? You fall over right? So you don't do that activity that made you fall over again, or you change how you do it." However, Beverley, a city councillor evoked the precautionary principle in her response. "If we are drilling, the risk of the spill increases exponentially, if we're not drilling there is no risk."

5.1.1 The precautionary principle

The precautionary principle was applied in different ways, from vague hints at it right through to directly stating it. Pam, a tourism operator, stressed the need for more research before the operations commenced. "In this whole area there should be some really good research done before it's even considered surely?" This brings up two issues, one is the application of the precautionary principle and two is the burden of proof[36]. John, also a tourism operator, elaborates. "We haven't got enough experience to know just how much damage can be done by sonic sounds to whales because they're really sensitive and can hear sounds from a long way away. Imagine the damage that would do." Fran supported this argument claiming that deep sea exploration and drilling is "pushing the limits of technology and knowledge of the oceans, so something will go wrong statistically at some point."

Probably the most common public concern shared by both opposition and even supporters, is New Zealand's spill response capability. Faye, a climate campaigner evoked the precautionary principle here and said "Somebody's got to make sure there are emergency response vehicles close and that just rules out New Zealand for a start because there just aren't." Harry, a senior business reporter, shared this concern, suggesting a way for the industry to appease community concerns would be to "have some of that equipment, and vessels, even aircraft, whatever is required, on hand in New Zealand" no matter the costs or low probability of a spill.

All three of the opposition MPs I spoke with evoked the precautionary principle in some way or another. Henry, an opposition MP working in energy policy, argues. "What we know from the US Bureau of Safety and Environmental Enforcement is that the deeper you drill, the greater the risks of a spill." Wendy, an opposition party MP working in environment, would like to see consistency with the precautionary approach applied in "a continuum that went across both land and sea." She would like to "treat the test, the legal test,

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[36] See Chapters Three and Seven for more discussion on these points.

of whether something should be able to proceed" with consistency across the zones. Sarah, an opposition MP with experience in environmental law, discussed the legislation with me in depth. Sarah argues that "'Unforeseen effects which may have severe consequences' is an attempt to embody the precautionary approach in the RMA[37]." "But the jurisprudence in NZ has been quite hostile to actually implementing the precautionary principle. It hasn't been given enough weight in the law and certainly not in its implementation." All three of these MPs would like to see a stronger precautionary approach in the legislation to maintain or increase environmental protections during economic development activities.

5.1.2 How others perceive risk

I asked participants to consider what others in the arena perceived the risk to be. There was a clear pattern of actors struggling to see how other actors in different parts of the arena perceived risk. This contributes to the polar theme[38] which leads to the break-down of negotiations and protest action. Several different actors in opposition to deep sea petroleum exploration expressed that supporters of the activity are either ignorant of, downplaying risk, or overstating return. "I don't think people who are supportive of this have really taken on board the whole message of climate change being the greatest challenge that we face" (Fran, an oil free campaigner). "I perceive their perception of risk to be lower" (Mary, a city councillor). During my interview with Sam, I was even able to witness her thoughts develop when considering the perceptions of others:

> I couldn't understand what kind of mind-set could lead somebody to think that this was ok. In my head I was like 'oh they're evil' but they're not evil. I think that they must be quite aware of the environmental risks, but I think that they think that the economic benefits outweigh that (Sam, a climate campaigner).

Once again, Rachael took a pragmatic view of trying to think like other actors in the arena. She suggested that for industry the risk is "not gaining acceptability of the business." A direct cause of this was the exposure of industry that digital communications can provide to the public. Rachael argues that this can shine light on global operations. Therefore, in New Zealand, "from an indigenous perspective, you have a number of American, Canadian, British and Dutch companies whose human rights records are less than exemplary" looking to operate off our shores. Wendy, an opposition MP was also able to see from the perspective of industry actors. "These companies do really want to manage the risks around these spills, it's

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[37] Resource Management Act 1991.
[38] See Chapters Six and Seven.

in their best interests to be good corporate citizens. So I don't for a moment think that that's something that they wouldn't consider a risk."

I spent a lot of time trying to draw out what activists, councillors and MPs thought that industry and supporters perceived as the risk but also spent time talking with an industry representative about what he thought opposition perceived as the risk. Graham's first thoughts were an oil spill and climate change. This was discussed above, and he reiterated the very low risk of a spill, the transitional fuel argument, and the necessity of hydrocarbons for the way we live. When discussing the transition he suggests that "It has to be something that is done together. The industry will play its part, government will play its part and communities will play their part." He also suggests that "It's hard to be in their heads" when thinking about oppositional perspectives, which I think goes for any actor operating in an arena such as this. Mark, the senior government official I spoke with noted. "In terms of the risks, I think there's perceived and then there's real risk" and then discussed how certain risk perceptions dominate the media coverage of an issue. This is a distinct acknowledgement of the social construction of risk.

5.2 Accountability

When I began this research I believed it to be an exploration of corporate accountability. Soon into my literature review and data collection it became clear that it was more of an investigation into public accountability. Transnational corporations are only allowed to operate in regions where their operations have been sanctioned by the governing body - in this case the New Zealand Government. In New Zealand, there is a high level of trust placed in the governing body, not the current Government in particular, but the idea of government and the public sector in general. This was a key finding for my research but should not have really been a surprise. Transparency and accountability are two of the pillars of democracy so it will be worth exploring in detail the three levels of accountability which emerged from my data collection. These are corporate, public, and moral/personal.

5.2.1 Corporate accountability

Two participants discussed what they expect from industry. One of these was a fairly standard approach, embedded in neoclassical economic theory, but still a basic part of that theory which is not being adhered to

presently in New Zealand. This is 'internalising externalities' or the polluter pays principle[39]. Sam, a climate campaigner argued that she would like to see companies "actually paying for the damage that they create, I mean they're not even potentially going to pay for potential damage. So that makes it so much more economically viable for them." We have actually seen an incremental move towards this recently with government officials working to lift the minimum insurance equivalent carried by oil rigs from $27 million, which would not even cover the costs of the Rena disaster[40] (Frykberg, 2015b). Another participant, Pam, challenged the shareholder primacy principle which, despite theories of corporate social responsibility, and legitimacy, is the fundamental driver of corporate behaviour. "It's got to be about looking to the future, looking at what they're doing and how that's going to affect their children, and their children's children. Not just how much money they as a company are going to make." This is an example of trying to moralise the industry and this is something that is often forgotten. The industry is made up of human actors[41].

When it comes down to it, the petroleum industry will explore for, and produce petroleum. It is up to a government to decide whether or not that is an acceptable activity for a region, country or globe, and it is up to the people to elect that government. Therefore, I did not find a lot of expectation of industry from participants – most saw the onus on the Government. Faye, former opposition MP, and current climate campaigner summed it up well:

> It's quite a large stretch to expect a United States owned oil drilling company to be accountable to the likes of me. I mean from a moral point of view, yes, anywhere that you want to drill you should be connecting with the people who live in that area. But they're from a different nation, they expect to have to engage with the laws of the country where they're going and they expect that to be enough. So the people who really need to be accountable to us are the Government, who pass those laws (Faye).

There was indirect agreement with this sentiment from Graham, the industry representative I spoke with. To him, accountability was "about being clear, transparent and upfront about what you are doing and then similarly being clear, transparent and up front about whether you achieved that or not." This takes the view that the industry will do what they are there to do, but they will be open and honest about it. This is a perfectly reasonable position given they operate within the laws of a region. However, this ignores the

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[39] Neoclassical economics says that an externality is the effect of a transaction on a third party not part of that original transaction. Bakan (2004) criticises this jargon as "all the bad things that happen to people and the environment as a result of corporations' relentless and legally compelled pursuit of self-interest are thus neatly categorized by economists as externalities – literally, other people's problems" (p. 61). Bakan thus refers to corporations as externalising machines, looking to externalise costs as much as possible.

[40] The Rena disaster cost the New Zealand taxpayer at least $46.89 million (The Treasury, 2013).

[41] Whether or not these human actors have lost control of the corporate machine that currently drives economy and society is a question of contention, also asked by Bakan (2004).

potential that the industry plays a part in setting the laws and regulations of a region. At the time of talking there was a public education campaign around seismic survey exploration issues. I asked Graham why.

> It's not our place to say, to convince Kiwis that it should or should not happen, because as I say, it's enabled under our regulatory regime. But we feel an obligation to ensure that Kiwis have the information available to them so that they understand the activity, and so that they can be more comfortable with it in their environment (Graham).

So here the industry appears to be going above and beyond its regulatory requirements to inform the New Zealand public. Prakash (2000) terms these as 'beyond-compliance' measures, and refers to this strategy as win-win-win. Regulators get enforcement with lower cost, citizens get better results, and firms get more flexibility. It also enables less adversarial relationships between regulators and industry. Gunningham, Kagan, and Thornton (2003) explores environmental performance and regulation in the pulp and paper industry. In this industry, performance of mills has improved and converged but these are both closely related to the tightening of regulatory and social licences to operate. The authors argue that social pressures and the expectation of regulatory action have been responsible for beyond compliance action. This previous work may go some way to explaining why the petroleum industry would take these actions.

If the general consensus among participants is that when they think about accountability in the deep sea petroleum exploration arena, they think of accountability from their government rather than industry it will be useful to take an in depth look at participants' answers around public accountability and how it relates to my theoretical framework.

5.2.2 Public accountability

Activists tended to use words like 'our', 'we' and 'public' to give form to their expectation of the Government's role in this arena. When asked about the Government's role in deep sea exploration, Yoshi, a climate solutions advocacy representative responded with "these are public resources, they're in public ownership and the Government is the custodian of those on behalf of the population." Fran shared the sentiment that this is a public decision. "Our Government aren't really taking into account that this is a decision that needs to be made by the people of New Zealand as opposed to by the people that are sitting in parliament." Sam merely wanted to "feel like I was being listened to, and any concerns at all were even being listened to." Here are early indications of the relevance of models of agonistic democracy for accountability. No participant here has expressed an immediate desire to change the outcome, just to be able

to partake in an official dialogue around the activity. It is an indication of the tension between representative democracy, where an elected government has a mandate to do anything, versus participatory democracy where the public is included in decision-making. Both of these tensions must be considered when exploring interpretations of accountability.

Faye, in her experience as a former legislator, took a holistic view. She claimed that at the public level there are two forms of accountability "you need consultation with people, and you also need the protection of the technical standards." The technical standards being the legislation and regulation around a particular industry. The other MPs or former MPs I talked to all shared this sentiment – that accountability occurred during the legislative process - which is a response to be expected given their position in society. Wendy argues that "accountability, to me, needs to be proactive. Accountability isn't something we need to measure or think about after something bad happens. Accountability for me is having the right regulatory framework in place before we allow things to happen."

Beverley, a city councillor took this a step further and considered public responses to formal processes. When talking about risk analysis she argued that there should be an analysis of risks rather than just benefits, as it is not always achievable on an individual basis. This would enable actors to have "the capacity to look at the issue, engage in it, on a rational basis. Or just on an irrational basis, a belief basis is totally fine." This is the first indication from a participant that actors can and will engage in this arena on a belief basis rather than a 'rational' basis. It would seem then, from a number of responses, that public accountability is a paramount expectation in a risk arena surrounding a novel activity.

5.2.2.1 Regulatory accountability

An interesting tension within public accountability, which arose during my interview process, and has been alluded to in the literature, is the idea of accountability to whom? Regulatory agencies provide a good example of this tension. Mark, a senior official from a government agency involved in the process advised that "we're always answerable to our minister, to my bosses, to the public, but also scrutinised by the industry for integrity of decisions." There will be a lot of competing claims and balancing of interests to undertake. Mark argued that "the legislation is designed to force engagement, to force trade-offs and there is purposeful disagreement between elements of the legislation." Assumedly, it is then up to the ministers to

prioritise and act on this advice. Mark provides an example to illustrate this function. "If you think about the Crown Minerals Act [1991] as the main tool for pursuing productivity gains and economic development, and if you look at the Conservation Act [1987] in terms of pursuing conservation interests. Those two legislative tools are purposely set up to force engagement between agencies." Phil, the official I spoke with from a government response agency mirrored the view of having multiple levels of accountability.

> We have a responsibility to the public which has been given to us by government as a regulator and as a response agency. We have to ensure that we have a robust process of ensuring that the prime players, which are industry in this case, have planned to respond should there be a problem in the offshore industry (Phil).

Mark had confidence in New Zealand's relatively new legislative environment around petroleum exploration in terms of balancing economic development with environmental protections. He argued that "if you had a poorly designed regulatory system, then that could have a hugely negative impact on investment and on industry. At the same time it could have negative impacts on other environmental or social outcomes." However, this official also alluded to the relationship between industry and regulators in this arena.

> Industry watches the regulators for equity and consistency overtime. What they are most interested in is very predictable decisions being made by the Government. So they don't want a government official to have a whole lot of discretion and to exercise that discretion loosely. So if you're going through a select-committee process, what people are often after are really high levels of prescription so they know what they're going to get from the Government, and minimising any uncertainty for them to support investment. So all the time, industry will be thinking about 'is their competitor getting the same deal as they are getting?' 'Is the Government playing a fair game?' (Mark).

Mark stressed that when involving industry and industry bodies in the consultation process around policy development that "it is a functional relationship, it's completely separate, the industry has no direct influence over regulatory decisions." Although the industry may not have the final say, both Prakash (2000) and Gunningham et al. (2003) have explored this phenomenon in depth. Gunningham et al. (2003) suggest that evidence shows that regulators have focused on the behaviour of corporate leaders to define the standards for corporate laggards. If this is the case in this scenario then in order to avoid future uncertainty in regulation, industry players will implement beyond-compliance measures to achieve win-win-win (Prakash, 2000) scenarios and reduce the chance of future regulation. Environmental regulators will also encourage industry leaders to implement these beyond-compliance measures by speculating about what future regulation may look like (Prakash, 2000).

5.2.3 Moral/personal accountability

A small number of participants painted a picture of accountability laced with morality. Fran, an oil-free activist argues that every single New Zealander is responsible for what occurs in their country. "If a spill were to happen we'd all have to be held partially accountable because we let the decision be taken out of our hands in full knowledge that it was a reckless and dangerous idea." This view takes a personal responsibility to what happens around us, it is about accountability to the Other. The most important Other, in terms of oppositional response, is future generations. Henry, the opposition MP, argues that "at its heart, accountability is being able to look your kids in the eye and know that their future is protected. You're on a path to a safe future for your kids, but also a stable, prosperous future." This responsibility to future generations is the most common use of language to frame responses by climate and fossil fuel activists.

Andy, a climate campaigner took a deep, philosophical view of accountability, very much in line with discussion in the literature review chapter. He argues that the point at which you have a breakthrough in communicating with others is "when you force them to consider the moral veracity of their decision." Here he is talking about the public as well as governmental and industry actors. Andy suggests that people will behave according to social norms, but the "norm is not necessarily the right thing, or the moral thing, even in your own view. You don't necessarily always do what you think is the morally correct thing to do, you do it because it's generalised behaviour." Here he is talking about how people act, and why they act that way. But what is moral accountability?

> Accountability is the deep and thoughtful reflection on whether the actions we are taking or not taking are really good enough, are really sufficient for us in ourselves, to the best of our ability. Evaluating what we want for our present, what we want for our future, and what we're responsible for, in terms of our community, our society, our family, our world, and our environment (Andy).

This is very much an individual responsibility for how one's behaviour relates to the Other. He says that moral action should always be about the Other, rather than the self. It is "about how your actions are going to have an impact on others. That's when you take a moral decision process and you should choose to take that because you should just choose to take that." This is at the individual level but Andy takes moral accountability to a societal level. He emphasises the importance of critical self-reflection in society, but especially by individuals in positions of formal power "irrespective of whether it's the position of their party, irrespective even of public opinion. Public opinion can't be a measure of moral right." Societal decision-making comes back to the Other also. "It is important that we are actually considering the Other, and the

Other being the immediate Other, and the long term Other - the future generations, the people that rely on us.”

5.3 Katiakitanga

When I asked Serena, who lives in Kaikōura and identifies as Māori and works with a number of rūnanga and environmental groups, what accountability meant to her, she hesitated at first. It was about honesty, and being up front, but eventually she suggested that it was probably “always wanting good outcomes for people and the environment so when I think of being accountable, that’s what I’m thinking of.” What this could mean, is that to Serena, accountability *is* kaitiakitanga. “I can’t see it as not relating, when I say good environment for people and community, that then takes in their welfare, their health, and their education.” The reason for struggling to find the words for this was that “I just don’t use that word kaitiakitanga, we never used to use that word as a child. I wasn’t brought up with the word kaitiakitanga all the time because we probably actually just did it.”

After reading about kaitiakitanga in books and in academic literature, I’ve had the chance to meet with someone who was literally raised on the value of kaitiakitanga in a whānau which lived predominantly on gathered kaimoana[42], but who never really used *that word*. In traditional neoclassical terms, accountability is generally associated with providing an account for financial resources, but according to Serena, it is about much more than that. “We do talk economics now, because we realise we need money, but it’s about people’s wellbeing and I don’t believe people can be well and healthy, if the environment isn’t. The two run together.” Serena sees her responsibility as a kaitiaki as being “to look after the environment, and I think if I can look after the environment then that looks after the people within it as well.”

When I asked Serena whether she felt like she was able to act as a kaitiaki in the deep sea petroleum exploration arena, despite some disillusionment with her power to enact change, she responded that yes she had. “I would hate it if we hadn’t, but we’ve been active. We’ve been very active and that’s the main thing.” “I don’t think we’ve been successful in achieving what we want to achieve, but listening to people, sharing information, and creating the ability to have the conversation and kōrero[43] I think is really important.”

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[42] Seafood
[43] Kōrero can be taken to mean speech, narrative, story, news, account, discussion, conversation, discourse, statement, information (“Kōrero”, n.d.).

5.4 Risk, accountability and kaitiakitanga conclusion

What we have seen in this chapter is that how actors talk and engage with one another is actually more cohesive than anticipated. Actors from many different positions in the arena are talking about the same risks, and in similar ways, but what differs is how actors believe that these risks should be managed, and how others in the arena perceive risk. Not a single participant reduced accountability down to providing a traditional financial account, so it is clear, from all actors in the arena that accountability is about more than this. The tension is between issues of inter versus intra generational equity – accountability to current or future generations, as well as anthropocentric versus non-anthropocentric accountability. Most responses were anthropocentric forms of accountability, which is to be expected given the two prevailing discourses[44]. Despite this, there was a general theme of accountability to the Other. The conflict is over who or what is the Other. In general though, the most common themes emerging around accountability came down to process. It was about involving the public in decision-making, at all stages of the process. This could have been due to the way I phrased the question, or who I was predominantly interviewing. Either way, it will be important to look at responses in terms of engagement and communications processes in the New Zealand deep sea petroleum exploration arena. During the interview process it emerged that a key mechanism of the sort of accountability sought by the majority of actors, from around the arena, involved engagement, consultation, and strong dialogue. A lot of this was in line with literature and theory so it will be worth exploring participant responses in depth in the next chapter.

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[44]Economic discourse and the intergenerational Other. See Chapter Seven for discussion on these points.

Chapter Six: Public participation

In this arena there are a number of formal and informal opportunities for actors to contribute. These have been discussed in the context chapter of this thesis, but what will be explored here is how participation took place and was perceived. Tools for participation include submissions on legislation, submissions on Block Offers, consultations, and protest movements. There is a general underlying theme that 'good accountability' requires strong public inclusion and participation in the decision making process. This is the difference between participatory and representative democracy.

The overarching legislation for activity in New Zealand's EEZ is the EEZ Act[45]. According to an opposition MP, Wendy, who sat for a short time on the select committee overseeing the legislation, "communities need to have input into what happens in their area, and the EEZ legislation really hasn't allowed for that to happen." So why should the public be involved in this process? For Sarah, another opposition MP, it is "because the seas are a commons, and with these prospecting applications, the public haven't been able to say 'what happens to our sea?'"

6.1 Submissions

6.1.1 Council submissions

The only way that a number of actors I spoke with had formally engaged in the arena, other than through the national election, was through the submissions process. There were two opportunities for this. One was during the drafting and amendment of relevant legislation between 2011 and 2014[46]. The other was because local city councils opened up their submission drafting to the public for participation. I questioned councillors on why they thought this was an important step. Mary, a city councillor I spoke with said, "We felt that by opening it up to the public, and by undertaking to append all their submissions to our submission, it was a way of us saying to the Government 'well you're not talking to the right people.'" Several actors I spoke with had taken the opportunity to make a submission to their councils in order to be formally included in this process, but there was a level of scepticism as to its effectiveness at the council level, particularly that it was all a fait acompli. Beverley, another city councillor, had "the feeling that this is going on regardless… you must do them over Christmas, and the last one was just at the time of the elections.… I mean it's superb

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[45] See Chapter Two.
[46] As above.

timing if you don't want local government input." This is a clear example of process control and agenda setting[47]. Another city councillor, Mary, suggested that "if it was going to the Government, or a select committee that was going to consider it or something, I would think it had a little bit more point to it." Mary is referring to the fact that the submissions go to NZP&M and are summarised into a report for the minister.

However, Fran, an oil-free activist appreciated the opportunity to be able to voice her concerns via the council. Fran got "the kind of transparency from our city council that we needed to have from our Government. Taking input from the public on important issues like this showed that our council are sincere in their representation of the public's interest." This shows the importance some actors place on having their voices heard and included, despite not getting the outcome they desire. Councils are opening up their submissions for public input, to compensate for the Government's lack of doing so, but still feeling that even their combined voice is not able to be heard, or draw out some sort of public accountability. The potential consequences of this were synthesised well by Sarah:

> Seeing all the energy that got put into submissions on the EEZ legislation, and a large number of those being ignored…. It's a misuse of the process and it breeds cynicism. People put all that energy in, they're not listened to and so people think "why should we even bother?" And so people don't engage, but the corporates always engage so their views tend to prevail (Sarah, an opposition MP).

6.1.2 Iwi submissions

In addition to local councils being asked for submissions on the Block Offers, affected iwi were also consulted. This is predominantly due to the Treaty rights and settlement outcomes[48]. The submission process was a common theme in my interviews with iwi affiliated participants.

> Te Rūnanga [o Ngāi Tahu] has a unit within it that coordinates responses to government submissions. There is NO attempt by Te Rūnanga to say 'this is the party line.' Everybody can have their own view but we want to tell you what we're doing (Rachel).

For Serena from Kaikōura, "the process, I think, was too swift, not enough time, and we tend to do submissions as a hapū and as a tribe." There can often be "information coming through that you couldn't understand, no time to review it or to get around and talk about it." Serena talks about the importance of having time to come together to make decisions for submissions and consultations. Especially for something like this, which Serena considers "a big Ngāi Tahu issue." "In Ngāi Tahu we don't have a standard 'this is Ngāi Tahu stance' because our West Coast whānau have been mining for years so they see mining in a

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[47] See Chapter Seven.
[48] See Chapter Two.

different light." But Serena has a suspicion, which was shared by city councillors in their submission and consultations, that in this case "I think it was probably purposely done that way so we couldn't get ourselves organised and together."

In this particular engagement, the submission process does not seem to have achieved a desired outcome for a number of actors. There will be more discussion and speculation on why this may be the case in the discussion section. This is not to say that the submission process is futile for all engagements. For example, Beverley points out the use of the submission process in other examples and how effective they can be for council learning. Brown and Dillard (2013) suggest that counter-accountings, or in this case submissions, can be a means of articulating new or unheard demands and voices. However, in a large-scale national endeavour with an aggressive programme and aggressive opposition at polar ends of the scale, the submission process will struggle to please everyone or anyone. The next step is consultation and engagement.

6.2 Consultation

A number of my interviews touched on the consultation process. In this particular piece of research the consultation processes discussed were referred to as a fait acompli, monster out of the bag, lip service, box ticking, a public relations exercise and an outsourcing of the Government's responsibilities. However, several actors felt that the process was relatively empowering, despite not getting exact outcomes, and it depended on where and when the consultation happened during the process.

6.2.1 General consultation

I spoke with Pam and John, tourism operators in Kaikōura who did not consider themselves activists "by any stretch of the imagination." They attended a consultation with Anadarko and representatives from the Government on the Takahanga Marae to ascertain the benefits for the region from exploration. When asked for their views on the benefits to Kaikōura or New Zealand, Pam responded that they "were hoping that would be one of the things we could come away with, being able to weigh it up, but we didn't come out in any way, shape or form convinced." During the meeting John just wanted to ask "well hey, it's too late, we've let the cat out of the bag, why are we having these meetings now when the Government has already decided that these guys can go ahead and do that?" This is the question which appears in the literature, the media, and in my data collection. Consultation is not true consultation if the consulting party has a

predetermined outcome. The impression that Pam got was that "they're doing it because they have to, not because they genuinely care about any given community."

However, I spoke with Graham, a prominent industry representative with a background in community engagement, who provided the industry's point of view on consultation.

> The consenting regimes are generally seeking to have people talk to communities, and even if they weren't… Well best practice would indicate that they would. If you lose the trust and confidence of the communities in which you operate, you'll be pretty short lived. Our industry really values that (Graham).

From Graham's perspective, consulting with the community appears to be just as important for industry as it is for community. This would seem to confirm Kuruppu and Milne's (2014) argument that legitimacy is a 'license to operate' which provides some measure of society's 'acceptance' of a company's operations. According to the authors, this is especially rendered through company-local community relations. However, is it the industry's job to consult with the public on what they are going to do when the Government that represents that public has been put in place to protect their interests? Several of the actors I spoke with thought it was a buck passing activity.

> I don't think that it is the company's job to consult with the community. I think that there's a step that has been missed, which is a conversation between the Government and its people about whether or not an activity is appropriate or right in a community (Mary, a city councillor).

6.2.2 Iwi consultation

Rachael, a Māori academic engaging with the mining industry, agreed with this sentiment when it came to iwi consultation. Referring to the Government's partnership obligations with iwi, Rachael argues that "what I think they're doing is outsourcing their responsibilities." Just as with the submissions process, iwi have particular rights to be allowed a say in the process through consultation. Both the consultations I have talked to people about were on maraes, and once again, iwi – like councils – felt it necessary to invite the rest of the community to engage with the industry and government. An important question to ask is what do these engagements mean for the affected rūnanga? According to Rachael, it is not just about having a meeting, it is about "meeting them [industry and government] to understand why we would want to engage and what elements that we want them to really understand about us. This is not about giving position, this is about deciding where the line is for us." Serena reflects on this. "We have huis[49] to come together and to

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[49] Gathering, meeting, assembly, seminar, conference ("Hui", n.d).

understand… you don't know because you're still learning what it's about." Iwi and communities not knowing what it is about can be incredibly detrimental to the effectiveness of the consultation process. Serena suggests that the huis would be more effective "if we had had time to work with the community, to be facilitated as a community, to talk about the issues." The lack of preparation meant that "whether you're coming armed with correct information is another story." "We brought everyone to the party to try and understand, to try and have a conversation with the Government and with Anadarko… but we needed huis before then." This indicates the importance for iwi, but also for any actor looking to engage seriously with the government or industry, of time and information to be able to prepare an argument before a consultation. Kasperson (2005) stresses the importance of timing in a communication programme as well as the importance of the ability to act upon knowledge rather than just be provided with it.

Graham, the industry representative, was able to provide an explanation for the necessity and requirement for iwi engagement and consultation from the industry's perspective. Using an example of training iwi representatives in marine mammal observation, he argued that "rather than pay lip service to people," the industry can "actually try to tangibly make a difference, actually do something that is meaningful for them." He referred to this as a "tangible expression of kaitiakitanga," which can be taken to mean an industry perspective of enabling Māori to actively participate in the guardianship of rohe.

I asked Rachael for her opinion – as an academic who represents her rūnaka – on whether partnership and kaitiakitanga were present, or enabled during this consultation process. She answered that it is a lot more complicated than this simple question, but that this particular process was not partnership. The iwi's partners are the Crown. "Our partners are not oil and gas companies so we just need to be clear that there's a distinction there. The Crown puts it onto its agencies to say 'how can we show that we are a partnership?'" I had to clarify, for this research, what the "Crown" actually means. Serena "expects relationships with all, from bottom to top" of government, including agencies, representatives and ministers "because we see the person on the bottom as just as important as the minister. There's a hierarchy and that's fine, but yeah… Every level, as all the people are doing really important things."

Serena expects to be treated as a partner of the Crown, but "different agencies do that differently, and there's only a few who seem to realise that they're our partner." She cites the Department of Conservation and

Environment Canterbury as good examples, but when I asked her whether she feels like she has been a partner in this process, she replied "No, it's like 'we've got to do this', it seems, 'so we're just going to go through the motions and pat you on the head like a small child.'" I asked her what could be done better to enhance this partnership. "Well if it could be demonstrated that they're actually listening to some of the issues… Whether I accept it or not is neither here nor there… I don't feel heard." Here again, we have this theme of just wanting to be listened to, despite actual outcomes. Serena continues that "there have been individuals in this process who I've talked to, from Anadarko, and from the Government, who have been very, very nice people. Who I've felt have listened to me, but they don't have enough power" to make any tangible difference. Sarah suggested that a reason for this may be that under the current Government, the Ministry of Business Innovation and Employment "has got even bigger, so it's much more difficult to influence. It's a bit like the titanic, a super-liner, changing its direction is quite difficult." This has been a recurring theme throughout iwi engagements with the 'Crown' and it has informally been referred to in the past as a many headed hydra.

This outsourcing of the Crown's partnership responsibilities created an issue which was observed and considered by iwi and the industry. If the Crown has not consulted with iwi as a partner at the outset then every single company must do this, every single time, with every single iwi. "Our rūnaka, like a lot of hapū and iwi up and down the country, has been bombarded with requests for engagements with oil and gas companies for about the last five years" (Rachael). Graham, the industry representative provides an explanation as to why the engagement process may be more of a burden to some iwi than an opportunity. "For iwi, engagement with a petroleum company is one of 20, 30, 50, 100 things on their agenda." He even followed up some weeks later about having mulled over this exact point. "I am mindful of the responsibilities that these groups feel to engage and project their values and aspirations, but often with the scarcity of resource to do so." This is a problem at the iwi and hapū level, but it is also required in the "legislation framework (e.g. the RMA[50]) which stipulates engagement to occur with iwi, for example, but without the provision for resources to enable iwi to do this."

Serena supports this sentiment. "We are very short on people resources, with people who are involved with the environmental area. That's the area that I have put all my energies into, and that's probably the area that

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[50] Resource Management Act 1991.

our rūnanga is most active in." The Crown has transferred the responsibility to engage with communities and iwi to companies and regulators, after the inevitably of the activity has already been confirmed. This opens up a floodgate of consultation requirements for industry, regulators and iwi. These consultations require resources on all sides, and can put strain on the process because of this.

6.2.3 Ideal

It would be insufficient to only criticise processes without proposing more effective possibilities. If consultation hasn't been satisfactory so far, what are some ways it can improve? I asked all my participants what they would expect.

> What I would like to see is ministers turning up in the city, with staff from the Government, from the Ministry for the Environment, from MBIE[51], and having a conversation with the community about whether or not this activity is desirable off the coast of the city (Mary, a city councillor).

Unfortunately, due to the various constraints discussed in Chapter Four, I was unable to interview participants from Taranaki where the petroleum industry has been operating for many years. There, I may well have found a higher level of satisfaction among stakeholders around the consultation process. I asked Graham, the industry representative about why this is. He responded that

> In Taranaki, the activity has been there for a very long time. There's a different understanding around the level of maturity there now it is happening. The engagements there are at a different level. They're certainly not all 'we love what you do', but they definitely are a part of the process (Graham).

He argued that over longer time frames, relationships of trust and honesty can develop between industry and stakeholders and used a metaphor to describe the situation. After the first meeting it may be "'yeah he seems like a nice enough guy but I'm not really sure about this,' if I've come and talked to you 10, 20, 30, 100 times, we're going to be pretty familiar with each other right?" Unfortunately, with frontier industries, constantly shifting over geographies, there will be operations in new communities, and inevitably, these communities will provide resistance. Engagement and consultation will always have challenges, and one clear theme that appeared throughout a number of interviews was that there is one fundamental barrier to strong dialogue, consultation, and the submission process appeasing all actors in this arena. This theme flows in and out of literature and practice. It is polarisation of opinion, ideology, and desired outcome.

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[51] Ministry of Business, Innovation and Employment.

6.3 Polar theme

While I disagree that there can be such thing as a neutral participant or observer in an arena, Harry, a senior business journalist for a media outlet base in an affected city, considers himself a neutral observer and aims to communicate what was happening on "both sides" to the public. From his position, he observes these 'poles' fairly clearly. "One group doesn't want a hole in the seabed and the other group is going to put a hole in the seabed, so it's almost impossible, I think, to come to a middle ground." Active participants in the arena will happily acknowledge the difficulties around engagement and accountability when actors are polarised around an issue. The industry saw this when engaging directly with communities and iwi in opposition to their operations.

> We're like 'look we want to talk to you about this.' 'We don't want to talk to you.' 'Well we'd really like to talk to you.' 'We don't want to talk to you.' You're not going to go and talk to someone who doesn't want to talk to you right? (Graham).

Henry, the opposition MP thinks that all sides would be "open to dialogue, but whether I think they're open to changing opinions is a different kettle of fish." This is a recognition of a principle of agonistic democracy, that political engagements "are rarely 'settled once and for all'" (Tully, 1999, as cited in Brown & Dillard, 2013). Faye takes it a step further and is happy to admit that she is at a polar end of the scale and may contribute to a breakdown of negotiation.

> Consultation works best when it's possible to negotiate through to a solution that everybody is reasonably happy with. With something like deep sea oil drilling, people like me aren't going to accept it no matter what. There are a lot of people in that situation that are going to say 'it doesn't matter what you do to tidy up around the edges, the answer is no!' And they probably thought 'what's the point in consulting those people, you've just got to get in and do it.' Well we say 'what's the point of negotiating with those people, you've just got to get out there and block them' (Faye, former legislator, activist).

Faye breaks it down to a dichotomous engagement between the industry and activists. "You're either for the Earth or you're against it. There's no point, there is no meeting of minds over this." She argues that if a consulting party wants to consult "seriously and honestly, you have to be prepared for the answer to be no, and you go away. If you're not prepared for the answer to be no and you go away then there's actually no point in consulting." This is an acceptance that a final consensus within formal channels is a theoretical and practical impossibility (Brown, 2009). However, when considering engagement outside of formal processes it also works as "a means of resisting efforts at naturalization and closure and thus helps to keep democratic processes alive" (Brown, 2009, p. 321).

Two participants pointed out that strong views at polar opposites can lead to actors holding steady and not being able to see the other side of an argument. We saw this in the risk section of this chapter, it is very difficult, in a polarised arena, to see from the perspective of actors on different sides. From a media perspective, Harry has difficulty with reporting because "some of the comment from both sides doesn't change much and you get the loggerheads when you're just repeating the same for and against story." I disagree with the false dichotomy of only having two sides to this engagement, because "potential sites of antagonism have become ubiquitous" (Laclau & Mouffe, as cited in Tregdiga et al., 2015, p. 23), but these observations are still insightful. From a council perspective, Mary argues that passionate, engaged communities are in some ways "really good, but in some ways quite sad as well. I think sometimes it's harder for those polarised positions to move because people have been so vocal about something." This councillor struggled at first to engage with fellow councillors at the other pole, but still sees value in dialogue. "Even if I was only worried about helping people to understand my perspective, it is certainly in my interests to go and talk to people about that. No one's going to be convinced by my arguments without hearing them."

Harry has observed in his 20 years of reporting on the resources industry that "some environmental groups have turned up, and rather than sitting and having reasoned arguments with these people, they've used it as a grandstanding platform, which means that they weren't really there to talk in the first place." The above would explain why there may be a lack of desire on the part of activists to engage in the formal processes, and work by Byrch et al. (2015) and Tregidga et al. (2015) on agonistic democratic accountability may go some way to explaining these issues. If the formal processes leave various arena participants still wanting to be heard, particularly when consultation and other engagement processes break down around a polarised issue, what is the next option? This is where 'the movement' enters the discourse. Aotearoa New Zealand has a long standing history and audacious commitment to public protest[52]. There are a growing number of activists from different areas entering the deep sea exploration arena, so it is important to draw out why they entered, and what they hope to achieve by participating as an activist.

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[52] See Chapter Two.

6.4 Public protest and activism

Andy, a climate campaginer was invited onto the Takahanga Marae in Kaikōura by Te Rūnanga o Kaikōura to meet with Government and industry representatives. I asked him what he said given the opportunity to talk face to face with representatives:

> You can talk to these people, they're human beings, and you can express to them that they've got a big fight on their hands. That's exactly what we did. It's exactly what I conveyed. 'You guys are going to have a real challenge on your hands because here New Zealanders care about their oceans and their coastlines very deeply and they don't want to see that risked' (Andy).

During the course of my research project there were four prominent activist campaigns and actions, which were discussed in the context chapter of this thesis. Obviously there were other activist communications like Heads in the Sand (Radio New Zealand, 2014), and Hands Across The Sand (Kidson, 2013), but the intentions of those are relatively clear. I wanted to explore why these more confrontational forms of activism were occurring. I spoke to Sam, about her role and motivation for joining the hikoi in Auckland and another related action which involved her, along with friends and colleagues, coating themselves in oil and standing outside a petroleum summit after-function. There were mixed emotions from all these actions.

> We were all standing there voicing our discontent and protesting, and this line of oil execs came and looked down on us from this glass over bridge and were laughing at us and taking photographs of us. It was infuriating, people felt really angry about it I think… But there was also this feeling very much of coming together between the rural Māori who are based up north and on the frontline of the stop Statoil campaign and the urban Aucklanders who really want to make a difference (Sam).

It is also important to dissect what activists, as individuals and organisations achieve from these actions. Sam discusses the oil stand: "We were just standing there, looking at them, like 'who do you think you are? What do you think you're doing?' with this really strong sense of solidarity." "I think they felt all that mana[53] coming because we felt really powerful. It was a very empowering moment."

The most visible action I examined was the Oil Free Seas Flotilla off Taranaki where Anadarko were planning to drill[54]. Faye was involved with the flotilla. I asked her whether she communicated directly with the ship and why.

> We were protesting against the drilling, but we were also challenging the Government's crazy law which made it a criminal offence to go within 500 metres of a drilling ship. I mean we have a right of peaceful protest at sea. It's been really important in New Zealand's history. We need to hang onto that

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[53] Prestige, authority, control, power, influence, status, spiritual power, charisma - mana is a supernatural force in a person, place or object ("Mana", n.d).
[54] See Chapter Two.

right. By asserting that right again we basically crumbled the law because they didn't enforce it. It [the amendment] doesn't mean anything now (Faye).

Here the protest was aimed directly at the company, but it was also about the broader idea of protecting democratic rights. According to Faye, the company was keen to have the Government prosecute, but the Government decided the risk of giving the protestors their day in court was too high in terms of raising public awareness. Whether or not the 'Anadarko Amendment' has been crumbled for all, or just two very high-profile and respected activists is a question worth exploration.

6.4.1 Why protest?

It appeared to me that Greenpeace NZ's work was focused on the companies rather than the Government, but when I put this to Andy he corrected me. They still campaign against the Government's programme but it became clear "that the Government weren't going to be convinced by the very strong and compelling arguments that the better thing for our economy wasn't going to be oil drilling… Because their motive wasn't rational, or economic, it was ideological." Greenpeace NZ and affiliates protest against the Government's programme but they often find it easier to target companies because the "motives and imperatives of the corporation are much simpler and clearer than the motives and imperatives of a government. They're concerned about their bottom line. They're concerned about their reputation, so in a way it's an easier campaign target."

When I question an activist on what the end goal is, Fran can state it clearly and concisely, "a moratorium on deep sea oil like they had with the Nuclear Free movement." The next question from me was is this going to happen? "I think we will get there because the appetite is definitely there in New Zealand for a big change." If the Government and industry are unwilling to be told 'no' and cease deep sea petroleum exploration then it should be clear, given the polarisation theme, why activists and flaxroots[55] groups are taking to the beaches and the streets rather than (or as well as) participating in the formal processes. Although it was never discussed formally, this was all part of mobilising the public and there is a constant battle between actors in the arena to win over public opinion.

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[55] The equivalent of grassroots except acknowledging links with Aotearoa's native flora, flax (or harakeke).

6.5 Public engagement

So far this chapter has explored the way many actors feel about the submission and consultation process – that it is ineffective in achieving their desired goals. It was suggested that this may be because of the polarising effect of deep sea exploration, which leads to protests and activism, rather than engagement through formal processes. At this point it becomes an exercise of winning over public opinion, and this is where the arena metaphor becomes relevant, as well as discourse theory and risk society. Rather than actors trying to win over other actors, they are trying to win over public opinion in order to use public opinion to enact change. It will be worth exploring how activists, industry, and media use, view and perceive the public discourse in this arena.

Graham, the industry representative, had significant insights into providing clarity and transparency around how the public perceives deep sea exploration from an industry perspective. This all comes down to effective communication. "There's a lot of material out there. The key is trying to find ways to communicate that directly with the people that you most want to communicate it with." I was surprised about such strong communications campaigns from the industry, because the exploration is going ahead despite opposition. I questioned why this was an imperative for the industry. "We believe that if Kiwis are presented with the facts around an activity, and the risks in an open, honest, and transparent way, then they're smart enough to make the decision themselves."

The media, which plays an important role in disseminating information to the public, is responsible for communication in this arena too. Harry suggests that "if we have such a thing as an average reader of our newspaper, they should be able to make up their mind whether these things should go ahead or not go ahead, or whether there needs to be more discussion." Harry also argues, in support of what Graham is saying, that the onus is on the industry to provide clarity and assurance of activities to the public. "They've got to stop just trying to dazzle people with jargon and have really got to, it's not dumbing it down, it is just making it understandable." Graham refers to this as being able to "arm Kiwis with the facts." While no actors I spoke with claimed to be aiming to win over or manipulate public opinion, it will be worth exploring what is not being said. Can arming Kiwis with a set of facts be seen as trying to win over public opinion or is this just the industry providing transparency and accountability?

6.5.1 Public opinion

The essence of mobilising public opinion in any direction, and the tools used to do this, are summed up well by Graham. "Sometimes you get lost in translation. You think you're saying something but it's being heard in a different way[56]." The interesting point here, from a research perspective, is that the industry are already exploring and drilling. They are legally entitled to do so. The industry views their information and education campaigns as neutral, which is making a value judgment in itself. When they communicate with the public, directly and through the media, Graham argues that "we're not trying to be emotive, we're not trying to use inflammatory words, or discredit anyone. We're not trying to beat down opposition. We're just saying look, 'we respect Kiwis' rights to know this stuff.' That's all." Whether or not this is representative of the whole industry, including multinationals, or just the view of this particular representative is another question.

Activists have a lot more work to do in mobilising public opinion because the activities occurring are the ones that they are working to prevent. Yoshi, from a climate advocacy group says that they will "generally engage with the Government, or the public, through public opinion as a vehicle." So instead of directly engaging with authorities, the organisation aims to empower the public – youth in particular – to engage with decision-makers directly. The public are encouraged to persuade the Government to introduce a plan to move away from fossil fuels through public opinion, rather than targeting business. Sarah spoke of the importance of engaging with the public from the perspective of an opposition MP. "We are trying to communicate with the public because governments don't change what they do unless there's strong public outrage."

In order to 'win' or 'mobilise' public opinion, the public must be provided with 'the facts,' 'evidence,' and/or an argument. Every actor will have their own set of facts and evidence, to support their own argument. What it comes down to is telling an engaging, believable and relatable story to the public, but before delving into story-lines a brief introduction to the evidence trap is necessary.

6.6 Evidence trap

The key factor to winning over public opinion is providing a credible story, and often what makes a story credible is tangible evidence. There are often many credible 'facts' in a discourse, and of these, which are the

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[56] This will be covered in depth in Chapter Seven, including analysis and interpretation of results within my theoretical framework, but it is worth introducing some of the ideas here as a precursor.

public meant to accept as the 'truth'[57]? "When things are really technical it's very difficult to understand when you've got one expert saying one thing and another expert saying another thing" (Rachael).

Faye argued that the industry wants to drill, but that "people's perceptions of risk get in the way of them drilling, so they say whatever they need to say to address those perceptions of risk. I'm not aware of them having much in the way of facts." I talked to Mary, the city councillor of a city which has a fairly active discourse with a lot of competing claims, 'facts', and 'views' and asked if it was typical. "I think it is typical in the sense that people always want to prove themselves right…" But "I would differentiate between fact and science. Because I think science is a process and it's a constant discussion. You'll never necessarily have facts from science. You will have best indications or hypotheses, or possibilities really." Facts are ways of thinking about the world, rather than an objective truth[58] (Hacking, 1999).

I talked to Rachael about the role she sees academics playing in arenas. "One of the risks for so called academic experts is that they get drawn into things that are essentially politics, so of course the facts then become a weapon in a particular argument." This is interesting because we have now seen three participants use military metaphors for the contests/arena to win over public opinion: "weapon" and "armed" (Serena, Graham). Where academics and 'experts' may consider their work building on knowledge, other actors in the arena may see it as a weapon. Tregidga et al. (2015) confirmed this idea that academics, along with others, are political actors. This could again indicate that often what is not being said in a discourse by participants is in need of some exploration as well as what is being said.

It was equally important for me to question the industry on these evidence claims. "We sometimes see… in communications from groups, and using the seismic one as an example, in the absence of fact, it's easy to make a bold statement." What are the consequences of this perceived absence of fact from the industry's perspective? Graham argues that this "doesn't really necessarily help the debate, other than putting a position or an opinion out there, which is great. People are entitled to their opinions, but we strongly believe that you need to back up your opinions with fact." The industry's response to this issue is to "a little bit more firmly and strongly, push this idea that 'let's give kiwis the facts, let them decide.' If you feed them opinion then that's just whoever is loudest." So this year, 2015 "we are calling the year of the fact." This response raises

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[57] See Chapters Four and Seven for further discussion.
[58] See Chapter Seven for further discussion.

two very important issues. Firstly, that calling a year 'the year of the fact' opens up the question of whose facts are facts? Secondly, when providing the public with opinions it just comes down to whoever is loudest[59].

6.7 Participation conclusion

This chapter provided an overview of the practical mechanisms or expectations of accountability for risk in the deep sea petroleum exploration arena. These findings indicate that there is a level of unrest among participants over the level of seriousness that the Government places on public accountability. There are submission opportunities which are being read and then discarded, public consultations with little time to prepare and little chance for participation other than being told about an activity. Disillusionment with these activities leads to public protest and opportunities for this are being cut down by legislation under the aegis of safety concerns. What must follow now is an exploration of why actors expect a level of accountability from one another, and why there is currently a gap between expectation and practice. This will all be discussed in the next chapter.

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[59] See Chapter Seven for further discussion.

Chapter Seven: Discussion

It is of crucial importance to try to understand the approaches of actors to risk and accountability, or accountability for risk. There will be four key points of discussion essential to our understanding of accountability for risk in this arena. First will be the power of story-lines and second will be how these fit into the arena within the risk society. Third will be a discussion of the precautionary principle, and finally, I will explore what may be linking all of these together.

At the beginning of my introduction to the risk literature, I used the quote "talking about risks faces the immediate danger that everybody talks about something different" (Klinke & Renn, 2001, p. 159). I have found that this is not necessarily the case. The reason for this is the power of discourse coalitions. We saw that for the most part, discussion on risk was quite cohesive between actors. Participants almost unanimously discussed the chance of a spill and climate change. The discourse coalitions *are* talking about something different, but actors within these rough coalitions are all sharing very similar stories.

What this research also confirmed is Gray et al.'s (1991) argument that the channel of accountability can be more important than the account itself. I eventually found that to provide an account was to tell a credible story. This was confirmed in the methodology around discourse analysis as well as in my findings. Accountability involves both an explaining of conduct with a credible *story* and a calculation and a balance of competing obligations, including moral ones (Boland & Schultze, 1996). It is not just about explaining one's self against a pre-determined set of check boxes. Instead, "it involves active enquiry – listening, asking questions, and talking – through which the relevance or accuracy of indicators can be understood in context" (O'Neill, 2002, as cited in Roberts, 2009, p. 966).

Both of these short summaries point to the discourse tool woven throughout accountability, risk and environmental politics, and this is a strong story-line. "Risk refers to uncertainty about and severity of the events and consequences (or outcomes) of an activity with respect to something that humans value" (Aven & Renn, 2009, p. 6) - or what could happen. Accountability is providing a credible story about what is happening now, what could happen next, how one will respond, and why an activity should or should not go ahead.

7.1 Story-lines

Risk and accountability are social constructs dependent on personal experience, ideology, exposure to media, social and political influences and personal networks (Dake, 1992). All of these influences point to the significance of story-lines in constructing individual and coalition perceptions of risk and accountability. Discourse coalitions can use personal experience and ideology to create a story to be told and retold in the media, social and political circles, and personal networks. Cultural cognition is "the process by which all of us – regardless of political leanings – filter new information in ways that protect our 'preferred vision of the good society'" (Kahan, as cited in Klein, 2014, p. 36–37). If new information confirms our vision, we welcome it. If it threatens our belief system then our brain produces intellectual antibodies to repel the unwelcome intrusion. It is easier to deny reality than allow our worldview to be shattered (Klein, 2014, p. 36–37). This may go some way towards explaining why actors join discourse coalitions, and repeat stories.

The focus of my literature review on risk communication was an indication of the importance of story-lines. From a decision-maker perspective, the primary task of risk communication is creating a bridge between expert judgment and public perceptions of risk in relation to an existing or proposed activity, but risk communication and story-telling can work the other way. Actors in opposition to a proposed activity can use effective stories to mobilise public opinion against an activity. This is still risk communication, just not in the sense that the literature I have reviewed considers it to be.

How society defines accountability is crucially "dependent on the ideologies, motifs and language of our times" (Sinclair, 1995, p. 221). In this research, we have seen two relatively powerful story-lines appealing to fundamental drivers of human behaviour, prosperity and compassion, but with completely different outcomes. Both of these story-lines are fighting to appeal to public opinion. On the part of industry, government and supporters is the "can't turn off the tap" and "way of life" argument. This is combined with the promise of economic prosperity, including "hospitals, schools and jobs." On the part of activists, opposition MPs and other detractors is the ecological and social justice argument. Having to act now in order to ensure a prosperous future for the Other. The Other being different species, the natural environment, and future generations. This is combined with a different promise of economic prosperity through investing in alternative forms of energy and transportation. Both of these stories have been generated by powerful discourse coalitions. One is powerful in terms of political position and financial resources, and the alternative

is because of the effective use of story-lines laced with morality, designed to appeal to core-human values. This arena, like many others is a constant argumentative struggle where actors try to make others see the problems in their own specific way (Hajer, 1995). Therefore, rather than being unaware of discourse theory, actors in this arena are continually practising it.

7.1.1 Economic discourse

The discourse of economics is not "ethically neutral, but rather ascribes moral justice to self-interested actions by equating these actions with the provision of the collective good" (Shearer, 2002, p. 565). My findings have verified Shearer's conclusion, and my own personal learning has reflected this. While the discourse of economics is a convincing and empathetic story-line, it is just one story-line. The story is powerful and easy to repeat, but it is difficult to understand the intricacies of wealth accumulation and distribution, including the theory versus the reality. These normative commitments are usually masked by complex calculative and mathematical formulae and models, with cherry-picked data used to provide evidence. This makes it the perfect story-line for particular sectors of society to advance their own interests. What I found during interviews and the media review, was that actors in support of exploration repeatedly use the exact same lines – 'way of life', 'cannot turn off the tap', 'jobs', '42 cents in the dollar', and 'schools, hospitals and roads'.

Hajer (1995) suggests that in a discourse of environmental politics, it is interesting to observe how seemingly technical positions work to conceal normative commitments. The assumption held by supporters of exploration is that increased investment by government and industry will eventually reap benefits for the general population through ideological neoclassical theories of wealth accumulation. This is a normative commitment in itself, it is a normative commitment concealed by economic discourse, but a normative commitment nonetheless. It is not within the scope of this research to either verify or disprove the claims of these story-lines, just to highlight that they are present. This story-line is not new. It has been a dominant discourse for a long time. This is not to say that there are no economic benefits from increased exploration. There are, and they are clear to see, but the contentious issue is whether the benefits outweigh the risks.

Roscoe (2014) writes that economics is "a powerful and parsimonious analytical technique, yet, more and more, we are taking it as a doctrine of behaving, of choosing and of being" (p. 14). If we are to prioritise

economic analysis in our decision-making then only quantifiable costs and benefits will manifest in the engagement. Because of this, the common arguments for exploration will always trump the arguments against, as the pervasiveness of economics "is at war with the goods of life" (Roscoe, 2014, p. 14). This means that issues of morality and intergenerational injustice are being justified by calculative economic rationality. This is only possible given the pervasiveness of economic discourse in particular sectors of society. As Roscoe (2014) suggests "economic models, theories and even ideologies have become our representatives in parliament" (p. 13). Shearer (2002) argues that if we are to continue to let economic discourse create the conditions that render it applicable then it will continue to limit human experience and relations to economic description. Therefore, by letting the language of economics pervade our judgment in terms of social and environmental outcomes, we are only reinforcing the status quo of economic hegemony, sacrificing all the goods in life at the altar of economic growth.

Interestingly, despite this aggressive programme, the Government and industry still refer to climate change in their communications but seem to be averse to even the most incremental of action, with no comprehensive statement from the Government on climate change since its 2011 re-election (Macey, 2014). By acknowledging climate change as a threat and that "we" are in a transition period, but not doing anything about it, supporters of extraction have entrenched a strong position in the climate debate by combining economic discourse with clauses of 'gradually.'

7.1.1.1 Gradually

In his theory of the risk society, Beck (1992) suggests that as a result of modernisation a little bit of poisoning becomes *normal*, and a poison free world is dismissed as *utopian* . The existence of acceptable levels declares an allowable level of poisoning to not even have occurred, due to it being 'harmless' (p. 65). This is reflected in the industry and the Government's 'way of life' and 'can't turn off the tap' story-lines. These arguments refuse to acknowledge the presence of carbon lock-in (Unruh, 2000) and the "illusion of change" (McDonough & Braungart, 1998, p. 3) presented by eco-efficiency. Gradually clauses in carbon management create "technological cul-de-sacs" (Unruh, 2000, p. 828) which create a barrier to the diffusion of carbon-saving technologies. In this way, the lock-in of carbon-based technologies, perpetuated by gradually clauses, will effectively lock-out carbon saving technologies (Unruh, 2000). Many actorswill happily admit, however, that the burning of hydrocarbons is leading to global climate change. This will

drastically alter the planet and life for the planet's inhabitants in the near and distant future, but few people will act upon this. This is by no means a unique phenomenon and has appeared time and time again throughout history, as Beck (1992) points out. Both Unruh (2000) and McDonough & Braungart (1998) use the same quote in their seminal papers:

> The world will not evolve past its current state of crisis by using the same thinking that created the situation (Albert Einstein, as cited in McDonough & Braungart, 1998; Unruh, 2000).

According to Adam Hochschild (2006), in a 1792 parliamentary debate, the abolition movement came to the forefront of the discourse. One MP stood up and referred to himself as an abolitionist, but argued that the abolition bill should be postponed. He submitted an amendment to the motion with the word "gradually." This was exactly what moderates and supporters of the trade needed. It was seen as a way to end a divisive controversy and appear enlightened and responsive to public opinion, without having to make any immediate changes. We can see the same with rhetoric around climate change at national and global levels. We live in the risk society (Beck, 1992), built around 'carbon-lock in' (Unruh, 2000) where the climate crisis has become a normal accident (Perrow, 1999), so contemporary society will stop poisoning our atmosphere *gradually*, even though our actions are sealing a fate for the silent future generations, because it involves altering our way of life currently. These future generations are an intergenerational Other, and this is where the next dominant story-line comes in.

7.1.2 The intergenerational Other

The fundamental driver of the story-line used by those in opposition to deep sea petroleum exploration is the importance of the Other. These actors take the view that we cannot explore for more petroleum in the deep sea. This is because the potential impacts on marine life, coastal communities and enterprise from a spill, as well as the additional pressure new reserves will place on the climate crisis and future generations, are *greater than any return.* This approach combines risk with accountability. Actors in opposition hold themselves accountable at a moral level to act upon issues that risk the wellbeing of the Other. This view takes a personal responsibility to what happens around us - it is about accountability to the Other. This is an effective appeal to human instinct, and has enabled a powerful movement against deep sea petroleum exploration to arise in New Zealand. While this story-line is gaining in dominance, it has still struggled to take hold of public opinion. This is because of the inescapable dominance of short-term economic priorities in the public discourse. Jobs, hospitals, schools and roads are much more appealing than intergenerational

social justice. This world view alludes back to societal apprehensions to applying the precautionary principle (O'Riordan & Cameron, 1994).

However, supporters of exploration use the Other to appeal to human values to sell this activity to the public. The industry representative, and the agency official, as well as the minister in secondary sources (Bridges, 2013), used the words "schools" and "hospitals" when discussing the benefits of exploration. These actors are justifying the risks of the activity, by heralding the benefits to society. The schools and hospitals are not specifically for industry members and ministers; they are for society - the Other. These are still very much economic benefits of exploration but with positive externalities. This effectively comes down to a conflict or debate over the Other; different actors are in conflict over who the Other is or should be, and how to ensure prosperity for that Other. Ignoring the non-human Other for now, this can be simplistically reduced to a conflict over the intra-generational versus the intergenerational Other (Tregidga et al., 2015). This can be reduced further to a conflict over the future. The future is uncertain and all actors think that they know which plan of action is best for the Other that they purport to represent. Some actors will apply a precautionary approach to the future, to ensure long-term prosperity for the intergenerational Other and other actors will apply an economic empowerment approach to the present, to ensure prosperity for the intra-generational Other.

7.1.3 Kaitiakitanga

To avoid this stale-mate, a story-line is needed that is "incapable of assimilation to the logic of economics" (Shearer, 2002, p. 569). Kaitiakitanga has been a part of Māori culture since well before the discourse of economics was dominant. Although the concept of kaitiakitanga can encompass economic wellbeing, the inescapable connection between social, economic and environmental wellbeing through whakapapa may be too powerful for assimilation. This has the ability to gain traction as a dominant story-line.

Andy, a climate campaigner suggested that a really powerful moment in his involvement in this arena was when Tā Mark Solomon of Te Rūnanga o Ngāi Tahu (Kaikōura) stood up at the Takahanga Marae and thanked Anadarko for coming to talk with them, but asked them to return so he could show them what kaitiakitanga meant. I asked Serena, also from Kaikōura what she would have shown them. "It can often be practical things, but I think I would show them some of the work we've been involved in and what we've

achieved." Serena talked about the difficulty of explaining "the relationship that we have to our environment" in words. "Sometimes it's really hard to just explain a way of life.*"* This poses a difficult realisation for myself as a researcher - if a lifelong kaitiaki cannot explain what kaitiakitanga means with words, without being able to *show* with actions - then how could I possibly give justice to it in a thesis? It must be learned through being lived and experienced.

Serena took the initiative to show other non-Māori Kaikōura residents what kaitiakitanga really meant and this has emerged into a powerful collective movement for environmental protection. The idea that economic, social, and cultural prosperity in Kaikōura and beyond is fundamentally linked to the health of the environment through whakapapa[60] is incredibly appealing. Kaikōura being so closely interlinked to the natural environment in which it resides is a useful case study to examine how the concept of kaitiakitanga may be moved to the centre of the discourse. This approach to kaitiakitanga through education raises interesting ideas for accountability. Namely, how is the account or accountability to be performed? It can be written, spoken, shown or, most importantly (so it seems), practised. This harks back to the old adage 'actions speak louder than words.'

7.2 The arena in the risk society

What we have seen in this arena is very much a "decide, announce and defend" (Kasperson, 2005, p.22) strategy of risk communication and accountability on the part of the Government. At the moment, New Zealand is still on the 'stakeholder express' which includes limited public participation, but after predetermined outcomes are decided on (Kasperson, 2005). We can see this clearly in responses from participants. Several of them cherished the opportunities to engage either through iwi or council, despite not getting the outcome that they wanted. Opening up the process for more public participation at the early stages could achieve a more constructive dialogue between polarised actors within the arena. A significant part of the outrage in this arena appears to be the lack of public participation rather than just the activity itself. Decision-making authorities must embrace the "openly uncomfortable and discomfiting" (Byrch et al., 2015, p. 18) reality of agonistic pluralism, and surrender their attachment to finality (Byrch et al., 2015).

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[60] Geneaology – See Section 2.4.

Kasperson (2005) argues that informing and public participation should occur early, and continue throughout the consideration and decision process. Successful risk communications are those where the increase in information is tied to an increase in the potential of the public to act upon that knowledge. This would be the next step for the Government and industry to take if they are serious about public engagement. For many permits and areas it is too late, but these are just exploration permits. We heard from Serena of Kaikōura, and Beverley and Mary, the city councillors, that the timing of engagement opportunities was an issue. If at the time of production permits being issued, more public participation was enabled, this may be an opportunity for serious dialogue. However, for some actors this stage is too late.

In Chapters Five and Six I provide a detailed analysis of various participation opportunities and how these eventually broke down in some cases and left a level of discontent among actors. Activists do not want exploration. Industry and the Government do. At this point it becomes an exercise of winning over public opinion, and this is what the arena metaphor is about, as well as discourse theory and the risk society. It is worth exploring how activists, industry, and media use, view and perceive the public discourse in this arena. Three important aspects of both the risk society and the arena metaphor theory arose within this arena – polarisation, the evidence trap and weak rule enforcers.

7.2.1 Polarisation

Actors try to mobilise public opinion through issue amplifiers, and mobilisation is what polarises positions on risk policies. Renn (1992) notes that two positions arise out of the mobilisation process. One is the 'no compromise' position, which says no risk should be taken if there is any danger whatsoever – or the precautionary approach. The other is the 'no free lunch' position which means any risk is justified as long as it leads to progress.

This research found that the common conception that opposition to deep sea exploration is driven by the chance of a spill is inaccurate. This is still a significant factor for many actors, particularly coastal communities, but the fundamental issue driving polar responses from the most vocal activists is the climate crisis. It is no longer a matter of simply providing safety equipment, tight regulations, and returning a landscape to normal. Activists are fundamentally opposed to exploration because of the additional pressure that new reserves will place on anthropogenic climate change. There will be little to no compromise on their part because of this. Rather than an opposition to the chance of an accident, it is an opposition to the

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underlying forces creating the possibility of an accident. This is the risk society (Beck, 1999), the carbon-lock-in (Unruh, 2000) and Perrow's (1999) normal accidents.

This powerful discourse coalition, led in New Zealand by Greenpeace NZ, 350 Aotearoa, the Green Party of Aotearoa and other actors, has managed to successfully frame the climate crisis as the issue here, rather than the localism associated with spills. This discourse coalition has a huge body of sound evidence to back up a credible and engaging story. Without this, supporters of extraction would be able to use contrary evidence to discredit this story, which is a direct threat to their existence. This has occurred in the past with climate science, but today is no longer an option. This is a significant breakthrough for the climate movement which is not to be underestimated.

If the fundamental concern was a spill, then response plans would appease that. If it was marine mammal risks from seismic surveying, then further research and observers would appease that. But activists are campaigning, and mobilising internationally to "keep it in the ground" (The Guardian, 2015) no matter what. This is where the engagement truly breaks down. However, this means that engagement can be effective for other actors not presently concerned about climate risks. This is why it is important to not simplify the arena down to a dichotomous for and against, because there are compromises to be made among certain actors.

7.2.2 Evidence trap

Can "arming" Kiwis with a set of facts be seen as trying to win over public opinion or is this just the industry providing transparency and accountability?

The evidence trap (Renn, 1992) is the idea that finding a compromise during a conflict requires agreement on evidence. Each actor or group in the arena can provide conflicting evidence about impacts, probabilities and likelihoods. This conflicting evidence makes it difficult to reach a consensus. My interpretation is that Beck (1992) understands that the 'industrialists' approach risk from a purely scientific perspective, and society from a purely social perspective, but both need to meet each other in the middle-ground. This is where perceptions of risks come into play. "The social effect of risk definitions is therefore not dependent on their scientific validity" (Beck, 1992, p. 32). I may have misread this intention, but if not, my findings have presented a different alternative. Many in opposition to this activity are not just using social perceptions, they are still engaging within an ideology, but the 'industrialists' are approaching from a different ideology. At

this point it is the dominant ideology, but ideology nonetheless. All actors seem to have their own, very credible evidence. We have seen this with the Greenpeace Spill Report, Seismic Surveying and IPCC reports around climate issues.

The "facts vs. views" argument is a story told by many different actors in the arena to suit their own interests, and discrediting each other's 'facts' and 'views' will become a more prominent activity in the near future. We have already seen this with the 'science-fiction' and 'scaremongering' claims around Greenpeace NZ's spill report[61] even though Anadarko also had findings indicating a spill would damage coastlines. Bruno Latour (2004) explores this phenomenon:

> Reality is not defined by matters of fact. Matters of fact are not all that is given in experience. Matters of fact are only very partial and, I would argue, very polemical, very political renderings of matters of concern and only a subset of what could also be called *states of affairs* (Latour, 2004, p. 232, emphasis in original)

Hacking (1999) differentiates between objects, ideas and elevator words. Facts, truth, reality and knowledge are not objects in the world, but are words used to say or think about the world (p. 23). They are called elevator words because they are often made to work at a different level to objects and ideas. Hacking (1999) points out that "fact" is defined as "information presented as objectively real" (American Heritage Dictionary, as cited in Hacking, 1999, p. 23). The issue here is whether something can be a fact just because it is *presented* as objectively real. This would suggest that 'facts' are just story-lines presented as objective. Because of this it is important that the construction of risk is recognised as a struggle between rationality claims. Instead of an expert defining a risk, society must discover how that risk or rationality claim has arisen socially. This is how risk is "believed, becomes dubious, defined, redefined, acquired and frittered away" (Beck, 1992, p. 59). If a technical expert says the risk is one thing, and the rest of society believes it to be another, how can that technical expert be speaking the 'truth'? This was alluded to by Beverley who argued that it is absolutely fine for actors to argue on an irrational basis. This issue was referred to by the industry representative as "whoever is loudest" while acknowledging at the same time that actors are all perfectly entitled to opinions. However, humans, and thus society, are irrational actors. If an actor approaches an issue with their emotions, values and dreams at the forefront of their decision-making, and this works to discredit a probability based on another actors' technical assessment, then it will come down to

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[61] See Chapter Two.

"whoever is loudest." The evidence trap becomes resolved once again, by whoever's story is the most credible and relatable.

7.2.3 Rule enforcers

One thing that became obvious during the course of this research and was alluded to by Renn (1992) and Beck (1992) is the structural weakness of rule enforcement agencies. As we saw in Chapter Four, the rule enforcers of New Zealand are considerably out-resourced by the actors that they are in place to regulate. They are also very new to the picture, as most of the regulatory framework has been set up since 2011. The agencies have a number of contesting accountabilities including to ministers, other agencies, the public and industry.

During a speech outlining faults with the EPA's role in administering the EEZ at the NZ Petroleum Summit 2015, Kerry Prendergast, chairwoman of the EPA said that a teething issue for the authority was that it was required by law to favour the environment and turn down proposals when information was not adequate (Prendergast, 2015). This is a clear display of industry ideological capture within the public sector. Here we have the chair of the *Environmental Protection* Authority, speaking to an industry conference, saying that a problem with the legislation is that it favours the environment.

Rachael suggests that New Zealand's regulatory system has improved quite dramatically over the last three years, but asks a fundamental question. "How do you know that people are doing what they say they are doing?" This is where enforcement powers come in and this is where the regulation leaves a lot to be desired. Section 141 of the EEZ Act outlines power of entry for inspection. This gives enforcement officers of the EPA the ability to inspect, take samples, conduct examinations and copy documents but only if the EPA expressly authorises this in writing. Additionally, before an enforcement officer can board a foreign vessel, they must send a copy of this written authority to the Secretary of Foreign Affairs. Powers that this legislation does not include, which have been enabled in other Acts (such as the Fisheries Act 1996) are:

- powers of entry, search and questioning (s 199 – s 202)

- the power of arrest (s 203)

- the power to use reasonable force in exercise of certain powers (s 205)

- powers of seizure (s 207)

It is unclear whether EPA enforcement officers have these powers under the Search and Surveillance Act 2012 in terms of obtaining a search warrant. Compare this to the powers of enforcement amendment to the Crown Minerals Act 1991 given to agencies to counter protest; we can see a clear favour to industry over public, in terms of legislative authority. In the wake of regulatory compliance failings leading to the Deepwater Horizon disaster (Windsor & McNicholas, 2012), one would expect that a priority of legislators in New Zealand is to prevent a repeat of this. Renn (1992) suggests that if the rule enforcer is not powerful enough to regulate actors who violate the rules, actors will break them. This is not necessarily the case in New Zealand. Given the resources they have, New Zealand's regulatory agencies are competent and there is a level of trust placed in them. However, what is happening is that the rules are being changed to suit certain actors in the arena, so they do not have to be broken.

7.2.3.1 Rule Changing

It is true that the EEZ legislation and establishment of the EPA were progress in terms of regulation. Before this legislation was passed there was almost nothing to guide petroleum exploration in the EEZ. However, during this industry driven reform, there were other legislative changes. One was the "Anadarko Amendment." This is a clear changing of the rules by the executive to favour the industry, and streamline operations. Renn (1992) says that the arena and its rules are not static, interactions may change the rules as they occur and social and political actions may evolve as 'actors experience the boundaries of tolerance for limited rule violations' (p. 184).

As prominent activist, Faye discussed *"we basically crumbled the law because they didn't enforce it, it doesn't mean anything now."* This amendment was challenged by activists but was not enforced. It was a hollow threat. However the intent was there and this was a fundamental contribution to a notable shift in public outrage. The New Zealand Government is changing the rules on behalf of the industry to promote economic development, and at the same time this increases corporate power at the expense of civic power. This comes at the sacrifice of a long history of peaceful protest by New Zealand citizens. By doing this, the Government is exposing an ideology that empowering development over protection, and wealth over participation, will eventually lead to a public benefit. This is further evidence of Roscoe's (2014) assertion that economic models have become our parliamentary representatives.

7.3 The precautionary principle

Often, risk debates extend far beyond institutional issues and tap into fundamental concerns about the underlying values and overall worldviews of actors (Kasperson, 2005, p. 45). Actors' positions on risk seems to come down to whether or not they would apply the precautionary principle to activities which place the natural, social, or cultural environment at stake. Although few actors referred directly to the precautionary principle, many embodied it with their approach to risk. There may be other underlying ideological factors causing actors to abide by either the precautionary or economic empowerment approach, but I did not explore these in my interviews, and will not make assumptions.

According to Beck (1992), many experts insist on proving causality before making any decisions. This often leads to reactive compensation rather than proactive compensation. Risk researchers defend the "high art of proving causality" (Beck, 1992, p. 60) which can block citizens' protests and opposition for lack of a causal link. This, more than anything else, reduces the cost of modernisation and places the true cost in the pockets, health and spiritual wellbeing of the victims. But according to the precautionary approach, which is gaining in influence, the opposite is true. In my findings I have found that activists and other oppositional actors feel that the precautionary approach is not strong enough, placing the burden on society. In my media and documentary reviews I have found that industry and supporters feel that the precautionary approach is too burdensome and places huge costs on industry.

A number of actors wished to apply the precautionary approach to exploration. The approach is in the legislation but as opposition MP, Sarah and O'Riordan & Cameron (1994) indicated, the authorities are often hesitant to apply it. However, two cases from the EPA have applied the precautionary approach and declined resource consents because of a lack of evidence from industry. This is a breakthrough and may indicate more decisions of this manner in the future. However, these were applications for sea-bed mining (Akel, 2015) which is a much newer technology, with less evidence to support applications with. Deep sea petroleum exploration has a larger body of evidence around process and consequences. The question will be, once it comes to resource consents, who has enough proof to sway a decision in their favour, the industry or activists? Or will some middle-ground be negotiated?

Another criticism of the EPA from the industry was that the industry was providing evidence for the EPA's decision-making (Frykberg, 2015a). The Chief Executive of the EPA feels "really guilty" about charging firms millions of dollars for "a piece of paper" (Frykberg, 2015a). According to the precautionary approach, this should not be a criticism, this should be the reality. As it stands, the communications coming out of leadership at the EPA indicate sympathies towards reducing the burden of proof placed on industry. If the industry has its way, the burden of proof may shift towards opposition rather than themselves. This is where further exploration of the precautionary principle and burdens of proof will be useful. Either way, criticisms from the industry and activists would both indicate that regulatory bodies in New Zealand should be better resourced to be able to gather evidence for themselves without relying on industry and opposition to do so. All of these issues point to the need for more interdisciplinary research.

7.4 Responsibility

According to Sinclair (1995), "the management of one's own and others' accountabilities requires strategies tied to an understanding of language and ideology, values and ethics, emotion and motivation" (p. 221). This argument indicates how actors, sometimes within coalitions, expect and discharge accountability for risk around an issue. A general pattern emerged that the greater the risk aversion of a participant, the greater the level of accountability they expect from the Government and industry. In general, the participants at this end of the spectrum felt a greater responsibility for their role in the arena to the Other.

> I was there on behalf of the whales and the dolphins, and the marine ecosystem. My responsibility is to protect those things that really matter in life. My responsibility is to protect the ocean ecosystems, our future, our grandchildren and everybody's grandchildren, and vulnerable people against big money, big oil, and big industry (Faye).

In general, these participants were taking a long-term view. "For me it's not about short term jobs, it's about broader issues around sustainability with the economy" (Mary, a city councillor). Rachael saw that her "interest as an academic is really to understand that [the risks of an activity] so as to be able to develop good policy for our Rūnaka," which comes back to kaitiakitanga again.

Serena believed that her key responsibility was to "look after the environment. I think if I can look after the environment then that looks after the people within it as well." Whether or not this pattern can translate directly into 'environmentalism' vs. 'economic development' is out of the scope of this research, but I do not think this is the case. A lot of the actors in opposition to deep sea petroleum exploration do not bring a strict

ecological perspective into the arena. Referring to oppositional actors in this arena strictly as 'environmentalists' would not do justice to the true concerns of many of these actors. The arguments are around the long term prosperity of society, rather than just ecology, including economic, social and cultural prosperity. As Beck (1992) argued, through their consequences, environmental problems are social problems. They are problems of people, their history, their living conditions, their relation to the world and reality, as well as their social, cultural and political situations. When *Risk society: Towards a new modernity* was released at the end of the twentieth century, Beck wrote that "nature is society and society is also '*nature*'" (Beck, 1992, p. 81). This holds true even more so today.

Finally, this brings us to the point of this thesis, the responsibility of a researcher engaging in an arena. When I asked Rachael a question to answer from her role as an academic, she responded that "in my position as an academic… I can't take off my academic hat from my Ngāi Tahu, Rūnaka hat, ok? They are one and the same, so I'm speaking from both positions." This more than any other piece of information collected over the course of this research made me question and consider my own role and beliefs. Embedded within this short statement is the essence of interpretive research, in that researchers or any other actors can never be objective about, or separate from the arena in which they are engaging. We are all actors, working towards, whether deliberately or incidentally, building a discourse, discourse coalitions, and story-lines around issues that will affect our way of life, and our world-view. Members of the industry can also be parents, activists can be economic actors, MPs can be activists, Māori can work in the industry, and all actors can be any of the above. It is important to remember these points when studying discourse, or engaging in discourse, which of course, are one and the same. My responsibility is to acknowledge this, and to take care to present this in a clear way. By discharging my responsibility I have now become a fundamental part of the discourse. My responsibility as a researcher is to advance knowledge, but my responsibility as an actor concerned about the future, is to take action to improve that future. These are one and the same. Tregidga et al. (2015) advocate for this approach by arguing that sustainable development is a political discourse. Since the deep sea petroleum exploration arena is a conflict over the future, so too is this. Because of this, any academic researching sustainable development is also a political actor and has a role to play in building the discourse. This requires offering "hope and inspiration through new visionary alternatives and frames" (Tregidga et al., 2015, p. 35). Rachael's refusal to take off the academic hat, for the rūnaka hat, because they are the same, is

a powerful metaphor to support this argument, and should be considered by any researcher examining discourse.

7.5 Discussion conclusion

Unlike previous studies or criticisms of accountability, this research has revealed that the *idea* of accountability to the Other, an accountability which considers more than traditional financial stewardship, is being expected and discharged in this arena. Conflict arises over *whom* or *what* exactly the Other is. The Other for some actors is producing wealth within society now, at the expense of the ability to produce wealth, equitably, in the future. For different actors, the Other is represented by future generations, different species, and the environment itself. The prevailing economic discourse does extend the idea of an account to more than just financial resources, but only marginally. It is about securing wealth for contemporary society to produce schools, hospitals and roads. The alternative discourse about the intergenerational Other broadens the boundaries of the societal conception of accountability. These discourses are both flowing through the arena, and sometimes colliding. Many actors talk about creating wealth for future generations through the economic opportunities of renewable energy, and sometimes actors talk about providing economic wealth for future generations by securing NZ's energy future through petroleum resources. Either way, actors are trying to appeal to the public with the most credible story. Therefore, any engagement needs to be open to ideological poles, accountability should therefore aim to take "ideological conflicts seriously" (Brown, 2009, p. 313).

Chapter Eight: Conclusion

Applying the arena metaphor within a critical discourse analysis has enabled the engagement among actors around the contentious issue of deep sea petroleum exploration to be examined in the context of the existing power structures of Aotearoa New Zealand. In this chapter, I will outline the implications of this research, including methodological, theoretical and practical, as well as make recommendations for actors engaging within the arena. Finally, I will conclude the thesis with opportunities for further research and final thoughts.

8.1 Implications

8.1.1 Methodological

At times, engaging in interdisciplinary research can make a researcher feel naïve, but this naïvity is healthy. It is too easy to get swept up in one's discipline and dismiss everything outside of it. The most significant implication of this piece of research is the paramount role which interdisciplinary studies must play to advance knowledge. In this research I conducted research at a high-level accountability perspective but with elementary sociology of risk and cultural studies insights. This enhanced my accountability perspective immeasurably. The implications of my own personal learning are the necessity of collaborations between researchers and disciplines.

8.1.2 Theoretical

I identified three strands of research; accountability, risk communication, and kaitiakitanga that were running in parallel but had significant insights for one another. I showed that what actors expect from accountability in the arena is in line with what actors see as their personal responsibility. What is expected from accountability is not an account of what is *going* to happen and certainly not what *has* happened. It is a responsibility. It is the responsibility of decision-makers to consider the Other in decision-making and when considering the Other, to consider the risks, both techno-scientific, and sociologically derived, in these activities. In this way accountability and risk communication are one and the same. According to my findings, accountability can no longer be considered providing an account for one's actions in strict financial or neoclassical terms. At this point in ecological modernisation all actors are now well aware that there are social, environmental, and cultural implications of economic development, especially in the extractive industries.

Interestingly, the sort of accountability called for in the critical social and environmental accountability work explored in my literature review, is present in this arena. Shearer (2002) argues that accountability needs to be established as "a moral phenomenon that both can and should be subject to ethical reflection" (p. 545). In my research I found that almost every activist raised this idea in some form or another, and applied it to their actions and objectives. In this case, maybe the social and environmental accounting literature and its allies have made progress by getting prominent activists to discharge accountability within a moral framework, or maybe this thinking emerged from activism. This establishes the need for academics and activists to collaborate further to demand this level of accountability from government and industry. As we have seen, there has been incremental progress on both of these fronts. This echoes the call Thomson (2014) made for social accounting academics to "Educate! Organise! Agitate!" (p. 3).

8.1.3 Practical

This thesis has shown that in the deep sea petroleum exploration arena in New Zealand, what actors expect from accountability is the ability to 'have a say', and have it listened to by authorities. This ability to 'have a say' did not necessarily have to affect the final outcome, it was about actors feeling that they were considered. There is significant insight for this conclusion within the agonistic democratic accountability literature. A concern is that the emphasis on a fully inclusive consensus that works to silence dissent makes it easier for dominant groups to accuse other groups of being unreasonable (Brown & Dillard, 2013). This official dialogue has simply not been allowed for in the current regulatory framework around deep sea petroleum exploration, which has sparked significant resistance. When the industry and public agencies are engaging at a level *above* what is formally required because it is the acceptable social norm, it indicates that the regulatory framework, although brand new and 'world-class', is lagging behind the 'social norm'. The satisfaction with participation opportunities despite outcomes was displayed by Fran having the council append her submission, and the power that Serena felt as a kaitiaki being able to engage with industry and government, even though they did not get exactly what they wanted. This is a significant implication for engagement, because it shows that increasing public participation and inclusiveness will be a step forward from where we are, even if these outcomes still occur. Working to include these voices more cohesively into a decision-making framework will transform the currently antagonistic engagement into agonism (Connolly, 2005, as cited in Brown & Dillard, 2013). We have not seen this level of public accountability or inclusion

from the Government. In fact we have seen a deliberate reduction of accountability and participation opportunities, further entrenching the antagonisms.

What we need then is an ethic that is incapable of assimilation to the logic of economics. This ethic must be composed of a discourse of human identity that is distinct from 'the economic man', and it must imbue "our self-understanding as economic subjects with a moral obligation that exceeds our own self-interest" (Shearer, 2002, p. 569).This is possible by embracing cultural, social, environmental, and democratic ideals into social expectations of corporate and public accountability. Taking pluralism seriously (Brown, 2009) will be a step towards this new discourse. Bringing the concept of kaitiakitanga into the centre of governance, industrial, and activist discourse will be key to achieving this. This will be a challenge, especially with the findings that kaitiakitanga is not something that can easily be spoken of, or written about. Kaitiakitanga is something that must be lived and practised. We can see progress with the term being used and practised by industry, in the public sector, and of course used by iwi and activists. With continuing and growing collaboration between iwi and activist groups as well as iwi and industry we can see a shift in the discourse around the importance that kaitiakitanga plays in fostering relationships and communication channels between these diverse actors. An important step may be through education, at early childhood, primary and tertiary levels.

8.2 Recommendations

8.2.1 Government and industry

8.2.1.1 Strengthen rule enforcers

A strong feature of the media framing around this arena is outrage at the regulatory framework set up around deep sea exploration. There is outrage from activists, opposition MPs, council and iwi about the lack of controls in place, and outrage from industry about having too many controls in place. The regulatory framework has gone from nothing to something and has made progress. The tension at the moment is that it is stuck in the middle and does not effectively protect environmental interests, or promote economic development. Moving either way will cause significant outrage from other actors but at least it will provide certainty to environmental or industry advocates.

8.2.1.2 Transition plan

Another significant cause for contention around this issue is that the Government is aggressively pursuing petroleum interests while talking about natural gas being a transition fuel. Having a transition fuel implies

there is a transition plan. Presently there is no such plan, and New Zealand is falling rapidly behind on this matter by international standards. New Zealand's net greenhouse gas emissions have risen by 42% between 1990 and 2013 (Ministry for the Environment, 2015), and are forecasted to continue to increase (Ministry for the Environment, 2014). Taking steps towards developing a clear, realistic, but ambitious plan towards a low carbon future for New Zealand would be a strong gesture to back up these claims of transition. This would work to appease one of the fundamental drivers of the growing resistance movement. The private and third sector have been working hard and putting significant financial and human resources into developing this plan. Instead of resisting and belittling these groups, the Government could work with them to enable progress.

8.2.1.3 Spill response

For actors opposing the exploration less concerned about climate issues, the issue on their doorstep is the risk of a spill. This risk is considered low probability, high consequence by 'expert judgment'. But many New Zealanders have a strong affinity with the coast and marine life, so will want to apply the precautionary principle to an activity that would put these at risk. If exploration must occur, then a way to appease these concerns would be to have the capping and spill response equipment on site, despite the cost. If this makes it uneconomic, then the societal risk perception would seem to outweigh the societal reward perception. If it was universally known that in the event of a spill it would take between estimates of approximately 14 days (Maetzig, 2013) or a worst case scenario of 106 days for spill response (Lane, 2015), then there may be sufficient public outrage to sway public opinion.

8.2.1.4 Engagement

The Government and its agencies should be seeking out engagements with communities, rather than just ticking off boxes required by legislation. However, consultations should provide ample time to prepare and inform, as well as a genuine attempt to ask communities what they want, rather than telling them what is happening. Even though these consultations or hearings may become adversarial, it can still be empowering for communities to be engaged properly. Successful engagements occur where the increase in information is tied to an increase in the potential to act upon that knowledge on the part of the public (Kasperson, 2005). A consideration of engagement within an agonistic democracy framework (Brown, 2009; Dillard & Brown, 2012; Brown & Dillard, 2013; Brown & Dillard, 2015, Byrch, Milne, Morgan & Kearins, 2015; and

Tregidga, Milne & Kearins, 2015) will work towards achieving this. Authorities acknowledging, but also encouraging, conflicting views in decision-making processes, rather than shutting them down will have a twofold effect. One, it will help actors understand one another, but two, it will also help actors feel included rather than shut out of the process, which to date has been a cause for significant backlash. Outsourcing the Crown's partnership obligations to the industry is placing a burden on iwi and industry resources when this could have been resolved initially with an inclusive partnership approach to decision-making. This outsourcing has also lead to significant resource burdens on community and iwi groups. This burden must be considered when outsourcing partnership responsibilities, thus increasing resource requirements from iwi groups for engagement. It is this lack of partnership that is leading to growing resistance.

8.2.2 Iwi

Iwi and hapū groups play a unique and fundamental role in this arena. Much more academic exploration is needed to develop knowledge. There are many research groups forming around the country to delve into this issue, including the Universities of Otago and Auckland. Given Treaty rights, iwi groups are well placed to be able to facilitate much more frank and open dialogue than would otherwise occur. Whether this is in support of industry, and opportunities for Māori in industry, or in opposition to industry, this research has shown that iwi can play a pivotal role in encouraging honest dialogue.

The value of kaitiakitanga can provide significant insight for public governance, industry and activism. One challenge will be to preserve the value from capture, for example the way that 'sustainability' or 'sustainable development' has been captured by corporate interests (Milne, Tregidga & Walton, 2009; Byrch et al., 2015; Tregidga et al., 2015). There are already significant developments in education around the concept and practice of kaitiakitanga including the work of Goldstein and Pirker in Kaikōura (University of Canterbury, 2015).

8.2.3 Activists

We have seen several cases in the last few years, not in deep sea petroleum exploration, where activists have resisted extraction through informal and formal processes and been successful (Akel, 2015). As well as the collaboration between Te Whānau-ā-Apanui and Greenpeace NZ to resist Petrobras, which may have played a part in their decision to leave. This means, despite what the Government and the media may say, that resistance is achieving what it sets out to do. Naomi Klein (2014) finishes her book with the finding from

Brad Werner's 2013 complex systems presentation 'Is Earth F**ked?' where Werner argued that, yes, pretty much, the world is f**ked, but there was one dynamic in the model which offered some hope – resistance (Werner, as cited in Klein, 2014). Civil resistance was the one variable that offered a chance for survival.

Collaboration between activist groups as well as maintaining strong relationships and communication is already happening but could be improved. There needs to be a two pronged approach to resistance where those with the skills to do so work within the system, and those with the skills to do so work against the system. The latter will work to mobilise and shift public opinion in order for the changes that the former wishes to make appear 'normal'. If both prongs do not work together then even incremental change will appear radical.

8.3 Further research

A key part of developing this line of research will be closely examining, from an accountability perspective, indigenous engagement with the extractive industries. How different indigenous groups around the world are engaging with extractive industries and governments, and how they use their traditional cultural and environmental values in this engagement. Further to this, the growing movement of collaboration between environmental activists and indigenous groups to engage with or resist against extractive industries and governments requires exploration. Why is this happening, what are the results, and what are the motivations? Exploring the work of Māori and other scholars would complement this line of research and help find synergies between the disciplines. Of particular interest will be framing further research around the use of kaitiakitanga and other traditional stewardship values with Kaupapa Māori. Kaupapa Māori is a methodological approach to research to enable researchers who choose to identify as indigenous, despite an education primarily in Western academy. (Tuhiwai Smith, 1999). According to Tuhiwai Smith (1999) there are a number of ethical, cultural, political, and personal issues that can pose difficulties for indigenous researchers who, in their own communities, work partially as insiders and partially as outsiders because of their Western education or other boundaries. While Kaupapa Māori has not been applied throughout this research, it will be of critical importance to any further research in the area.

These pieces of research should all embrace interdisciplinary studies and interdisciplinary relationships. This is the key to moving knowledge forward, and if I have learnt this much, questioned my own beliefs and

knowledge, and enhanced this knowledge in the short space of one year, then all knowledge and strands of literature require these kinds of interdisciplinary methodological insights.

Another significant line of research which needs to be pursued in this arena, and other environmental politics arenas, are discourse analyses of what is *not* being said. My research predominantly focuses on what was said in the media, in interviews and in documentation within the context. Given more time and resources I would have performed a deeper exploration of what was not being said within the context. This requires more critical and analytical thinking and time than I had at my disposal, but should be a key research focus in future research. How is it possible to uncover such knowledge in any discourse? Particularly a sensitive and controversial one such as this.

8.4 Concluding thoughts

This story, this slice of the arena, has uncovered significant methodological, theoretical and practical implications for knowledge. The fundamental point is that actors engaging in an arena can all benefit from engaging with one another, in an open, honest and transparent way. It is no secret that actors will be polarised around an issue, but understanding one another is important to making any sort of progress. Even if the objective of this engagement is to 'know thy enemy', dialogue is still useful. While this may have been obvious from the start, it has not occurred in reality. This may be due to the general idea that dialogue is about achieving a compromise. This is not always the case, as the agonistic democratic accountability or dialogic accounting literature has alluded to. Dialogue can be about understanding one another even if there is no way to change the outcome. In fact, the dialogic accountability literature encourages this. Dillard and Brown (2012) argue that the primary focus of agonistic democratic accountability should be to "create and sustain democratic processes by embracing and channelling the passions, not ignoring or excluding them" (p. 6). The authors suggest that emphasising consensus will lead to apathy and disaffection. The implication of this is that the conflict that I have been exploring between actors in the deep sea petroleum exploration arena is actually progress for democracy. Conflict enhances democracy rather than - contrary to hegemonic discourse - stalls it. It is important to distinguish between progress in democracy and progress in economic development, of which the hegemonic discourse has either confused or deliberately muddled. The closing down of official channels by the Government has inspired a powerful and growing counter movement or discourse.

Therefore, accountability and risk communication do not necessarily have to result in different outcomes. They just imply that stories, facts *and* views, or matters of fact *and* matters of concern (Latour, 2004) about uncertainty, consequences and beliefs need to be heard and considered in decision-making. This dialogue is sought after by all actors I have engaged with in this research, but is still conspicuously absent in the New Zealand deep sea petroleum exploration arena. There is dialogue occurring, but not enough. A more inclusive dialogue, embracing participatory agonistic democracy, with a genuine commitment to accountability for risk, will be a step forward for our democracy.

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Appendix One: Actors in the arena

All participants have been assigned pseudonyms to protect the identities of those not willing to be named.

Henry is an opposition MP involved in energy policy.

Sarah is an opposition MP involved in environmental policy.

Wendy is an opposition MP involved in environmental policy.

Andy is a climate campaigner for a prominent advocacy group.

Sam is a climate campaigner for a prominent advocacy group

Faye is a former MP and climate campaigner for a prominent advocacy group.

Fran is an oil-free activist.

Rachael is an academic who serves on a number of Ngāi Tahu and local rūnaka appointed boards.

Beverley is a city councillor of an affected city.

Serena is a resident of Kaikōura who identifies as Māori, and serves on a number of advocacy groups. Views are not representative of any rūnanga, iwi or other group that Serena is involved with.

Pam and John own a bed and breakfast in Kaikōura.

Yoshi is a climate campaigner for a prominent advocacy group.

Harry is a senior business reporter for a media outlet in an affected region.

Mary is a city councillor of an affected city.

Mark is a senior official from one of the government agencies involved with deep sea petroleum exploration.

Phil is an official from a government response agency involved in petroleum exploration.

Graham is a prominent representative of the petroleum industry in New Zealand.

Appendix Two: Information and consent form

A Critical Discourse Analysis of Accountability in the Deep sea Oil Drilling Arena in New Zealand

Information sheet for _____

My name is Matthew Scobie and I am a Master of Commerce student from the University of Canterbury. This research project aims to examine how the concepts of accountability, risk and return are perceived differently by actors in the deep sea oil drilling industry in New Zealand, and how accountability has been discharged and received in this industry. With this information the project can apply a framework of stakeholder expectations to the engagement as well as make recommendations for future engagements.

Your involvement in this project will ideally be as a participant in a semi-structured interview. The interview will be between 30 and 90 minutes depending on your availability. A guideline for interviews is attached. With your permission I will record audio of the interview and this recording will only be available to the researcher (Matthew Scobie) and the supervisors of this project.

As a follow-up to this investigation, you may be asked to clarify certain points from the interview via email but only at your own discretion. You may receive a copy of the project results by contacting Matthew Scobie at the conclusion of the project. To remove any risks of misrepresentation, the participant will be sent the interview transcript prior to publication if they wish.

There are no known risks to participating in this study.

Participation is voluntary and you have the right to withdraw at any stage without penalty. If you withdraw, I will remove information provided by you so long as it is prior to May 2015 (expected completion date).

The results of the project may be published, but you may be assured of the complete confidentiality of data gathered in this investigation. Your identity will not be made public without your prior consent. If you wish to remain anonymous, a suitable pseudonym can be decided upon with the researcher. To ensure anonymity and confidentiality, data will be stored on the University of Canterbury server (access is password protected) and a password protected storage device. Any physical copies will be stored in a locked locker inside a building with after-hours card restrictions. Backups of transcripts will also be placed on a cloud system, which again, will be password protected. All the raw material will be stored for five years in a secured storage facility in the ACIS department at the University of Canterbury. Only the researcher and the supervisors of this project will have access to this material. A thesis is a public document and will be available through the UC Library.

This project is being carried out by Matthew Scobie as a requirement for a Master of Commerce under the supervision of Professor Markus Milne (markus.milne@canterbury.ac.nz) and Dr Tyron Love (tyron.love@canterbury.ac.nz). They will be pleased to discuss any concerns you may have about participation in the project.

This project has been reviewed and approved by the University of Canterbury Human Ethics Committee, and participants should address any complaints to The Chair, Human Ethics Committee, University of Canterbury, Private Bag 4800, Christchurch (human-ethics@canterbury.ac.nz).

If you agree to participate in the study, you are asked to complete the consent form and return in person to the University of Canterbury ACIS department or by email to matt.scobie@canterbury.ac.nz

Matthew Scobie

A Critical Discourse Analysis of Accountability in the Deep sea Oil Drilling Arena in New Zealand

Consent form for _____

I have been given a full explanation of this project and have had the opportunity to ask questions. I understand what is required of me if I agree to take part in the research.

I understand that participation is voluntary and I may withdraw at any time without penalty. Withdrawal of participation will also include the withdrawal of any information I have provided should this remain practically achievable.

I understand that any information or opinions I provide will be kept confidential to Matthew Scobie as well as his two supervisors Markus Milne and Tyron Love and that any published or reported results will not identify me if full consent to do so is not given. I understand that a thesis is a public document and will be available through the UC Library.

I understand that all data collected for the study will be kept in locked and secure facilities and in password protected electronic form and will be destroyed after five years.

I understand the risks associated with taking part and how they will be managed.

I understand that I am able to receive a report on the findings of the study by contacting the researcher at the conclusion of the project.

I understand that I can contact the researcher, Matthew Scobie, or supervisors Markus Milne (markus.milne@canterbury.ac.nz), or Tyron Love (tyron.love@canterbury.ac.nz) for further information. If I have any complaints, I can contact the Chair of the University of Canterbury Human Ethics Committee, Private Bag 4800, Christchurch (human-ethics@canterbury.ac.nz)

By signing below, I agree to participate in this research project.

_____

    Signature of participant   Date

_____

    Name (printed)

Anonymity Request

____   I am willing to be acknowledged by name as a project participant, and to have my comments attributed to me by name.

____   I **do not** wish to be acknowledged by name as a project participant, and **do not** want my comments attributed to me by name.

This form may be returned in person at interview, to the University of Canterbury ACIS department, or can be emailed to matt.scobie@pg.canterbury.ac.nz before the 1st of April 2015.

Matthew Scobie

Appendix Three: Māori consultation form

Date: 21/10/2014	College/Department Business and Law

Principal Investigator: Matthew Scobie (M Com Student)
Associate Investigators: Professor Markus Milne (Supervisor), Dr Tyron Love (Supervisor)

Project Title: A critical discourse analysis of accountability in the deep sea oil drilling arena in New Zealand

Concise description in lay terms of the proposed project, including brief methodology (up to 1 page):   Following Georgokopoulos and Thomson (2008) my research will apply Renn's (1992) arena framework to the deep sea oil drilling discourse in New Zealand. In-depth, semi-structured conversations with actors in this arena, including Māori, will be conducted in order to draw out how these actors are engaging with one another. Perceptions of risk, return and accountability, and how these are manifesting in practice will be explored. Documentary evidence to triangulate and complement these findings will be analysed. Additionally, an examination of media and its consumption to see how the arena is framed, perceived and presented to the public will be conducted.   Accountability is one of the pillars of a healthy social democracy (Biswell, 2014), but it is wide open to interpretation depending on the actor and the context. In the controversial, environmentally sensitive deep sea oil drilling industry, accountability is a fundamental part of the discourse. How does one know, however, what accountability means to the different actors in this discourse, including Māori? In any industry there will be risk and return but in an industry with serious externalities are these risks and returns appropriately considered? Are the actors in the arena receiving and discharging accountability in regards to these risks and returns? Finally, who bears the risk and who reaps the returns? My research will answer these questions.

Does the proposed research involve any of the following? Please underline.   • Significant Māori content   • Access to Māori sites   • Sampling of native flora/fauna   • <u>Culturally sensitive material/knowledge</u>   • <u>Māori involvement as participants or subjects</u>   • <u>Research where Māori data is sought and analysed</u>   • <u>Research that will impact on Māori</u>

If you have underlined any of the above, please explain in more detail:

(See **How to Guide** and **Māori Consultation** sections)

During my initial research (media analysis) I have identified that Ngāi Tahu and Waikato-Tainui are important and vocal actors in the deep sea oil arena. I would like to interview at least one representative from Ngāi Tahu and Waikato-Tainui about their position on deep sea oil drilling in Aotearoa. I would like to learn how Anadarko and the Government have engaged and consulted with iwi on this matter.

One thing I would appreciate is getting some advice from the Māori Research Advisory Group on making contact with representatives of Ngāi Tahu and Waikato-Tainui through the appropriate channels. These are Waikato-Tainui hapū environmental spokeswoman Angeline Greenshill and Te Rūnanga o Kaikōura chairman Sir Mark Solomon. Both of these individuals have taken a strong and active stance in the deep sea drilling conflict and would provide invaluable insight to this research project. They are both highly respected individuals and making contact is ambitious, but this research would benefit significantly from their input. I believe the findings from my project will have implications that both iwi would find useful.

I am a student researcher with ambitions to be an academic. I have completed a bachelor of commerce in accounting and a bachelor of arts in economics and music. I am new to postgraduate study and have cherished every moment of it. But most importantly, I have been using the freedom that postgraduate study provides to explore my recently discovered connection with tangata whenua. I have been exploring how Māori social and environmental values can be incorporated into Western accounting and governance systems and also how Māori and other first nations are engaging in the growing conflict with fossil fuel industries. I intend to take this research further.

I recently applied for registration with Te Rūnanga o Ngāi Tahu. I am engaging with the Ngāi Tahu Research Centre and Tyron Love is working closely with me on this project, but I am interested in maintaining contact with the Māori Research Advisory Group on the project if possible.

The protocol for my research will be premised on the notion of respect and positive relationships between the tangata whenua (hosts; my research participants) and manuwhiri (guest; myself as the researcher) (McClintock, Mellsop, Moeke-Maxwell and Merry (2010: 96). Throughout my engagement process I will practice aroha ki te tangata (respect for the person) and kaua e takahia te mana o te tangata (not trampling over the authority of the person). This will increase the chance of a positive outcome for the engagement. I am currently discussing with my supervisors how the pōwhiri process to research (approaches to karanga, mihimihi, whaikōrero, and koha) will assist the project.

In terms of data collection, I have five broad themes for my semi-structured interviews:

- What do you think are the benefits to deep sea drilling?
- What do you think are the risks of deep sea drilling?
- How and with whom have you engaged in this arena?
- What is the Government's role in this engagement?
- What is your organisation's role in this engagement?

These are the broad questions for all participants, but because Tainui and Ngāi Tahu are such vital stakeholders in this engagement, I will tailor more questions suited to their role in consultation with my supervisors. My interviews will be semi-structured so there is room for

flexibility. I am also interested in the Māori Research Advisory Group's advice on this.

My findings will be included in a Masters thesis which will be accessible via the University of Canterbury library and made publicly available on the UC Library website. Additionally I aim to have at least one paper published out of this research project in a business discipline based academic journal. There is the possibility that this project may generate media interest and this will be carefully considered with guidance from my supervisory team.

My thesis will provide an overview of the engagement around deep sea oil and Ngāi Tahu and Tainui's key role in it. This engagement will be ongoing, there will be more organisations looking to drill, more government intervention and more exploration in culturally, socially and environmentally sensitive areas. This research will likely be valuable for identifying strengths and weaknesses in the engagement process and recommendations for future engagements. I will provide a short summary of findings directly related to Ngāi Tahu and Tainui's role in the engagement.

I also hope to publish findings in an indigenous journal such as MAI or AlterNative. I believe my work will be of sufficient quality and interest for this to happen with the help of my supervisors and the Māori Research Advisory Group. My thesis will also be available on the library website and in the library for any future Māori students looking to examine engagement in a conflict arena and the role that Māori play in this engagement. Finally, I intend to become a lecturer and researcher in a commerce school at a New Zealand university in the future. This is my area of interest and it is relatively unique for work performed in a New Zealand commerce school. Through *ako* I can pass on this knowledge to future Māori students directly through teaching, supervision or discussion. This knowledge transfer will help me become a better researcher and teacher to help develop, store, treasure and pass on Māori knowledge.

Appendix Four: Interview guide

What are the benefits to our country/region of deep sea oil drilling?

What are the risks to our country/region of deep sea oil drilling?

- What do you think others in the arena perceive as the risks?

How have you engaged in the deep sea oil drilling arena?

- Have you communicated directly with the Government or exploration companies?

What does accountability mean to you? What should it be?

- How could this be improved

What is your responsibility in this engagement? And personally?

- How do you feel about what you've done so far in this engagement?

- How could you improve?

- Why did you enter this engagement?

What is your most precious resource in this engagement?

Is there anything else you would like to add?