



Copenhagen – The world is waiting

By Cath Wallace

The Copenhagen climate change agreement negotiations have become the stage for a major political agreement. The full text of the agreement would follow in 2010, or later if those who want to hold out make it so. Now is the time to step back from the 'Age of Stupid' and to keep faith with the planet and the future.

With China and now India having unveiled their first firm commitments for limiting the intensity of their emissions, President Obama has also moved his visit to the final scheduled day of negotiations. The presence for the final stages of the meeting of over 100 heads of state will press negotiators to find that agreement.

Initially the negotiations will be by officials, then environment ministers, finally by the heads of state, who will be able to make final compromises – to the extent consistent with their political support at home. China and the USA will not have much flexibility because of their home dynamics, but it is the USA being prepared at least to offer something. The UK, EU and others of the more climate-responsible developed states such as Norway have offered meaningful emissions reductions, causing the pace to pick up.

The large high emitting developing states' willingness to lay on the table programmes of work to reduce emissions has brought the chances of the political agreement closer.



The Sign On march for the climate on December 5th attracted thousands of people in Auckland and Wellington. Photo © Greenpeace NZ

John Key had declined to go to Copenhagen but it is clear diplomatic and non-governmental pressure has changed his mind. New Zealand is likely to find itself the butt of scorn for its pitiful and conditional targets, and will try to deflect this scorn with the Emissions Trading System which will allow emissions to rise. The informed international public opinion will see through that, particularly after Fred Pearce's derision at New Zealand's obfuscations, in the UK Guardian.

Key issues in the negotiations will be:

- The level of emissions reductions targets and which countries commit to these. A key issue is whether developed countries will commit to reduce greenhouse gas emissions by 40% by 2020 and to an 80-95% reduction by 2050. That is required to limit greenhouse gas concentrations to 450ppm of carbon equivalent. But that is too high a concentration anyway because scientific developments since the Fourth IPCC Assessment Report indicate that this concentration may well result in temperature rises that exceed 2 degrees C. As well, 2 degrees is increasingly viewed as too high to avoid the risk of dangerous climate change.

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We must reduce concentrations to 350ppm of CO₂ if we are to avoid more than 1.5 degrees C of temperature rise and substantial extinctions and other changes. To reduce greenhouse gas emissions to 350ppm, the world will have to strip carbon out of the atmosphere and into soil via planting trees and other means. Absorption of carbon dioxide into the oceans from the atmosphere causes ocean acidification and is damaging organisms which form calcium carbonate shells or structures. This is expected to cause widespread and major changes to the marine and coastal ecosystems, changes that have already begun. Tropical coral reefs and Antarctic shellfish and coldwater corals are expected to be particularly hard hit and may be mortally wounded within 20 years.

There is a useful tool by which you can track the countries' commitments during the negotiations and how close to the necessary concentrations these are and what temperature rise the levels would allow. It can be found at www.climateinteractive.org/scoreboard

- The extent to which the large emitting developing countries, particularly India, China, Brazil and Saudi Arabia will agree to programmes of emissions reductions. Developing countries are resisting emissions reductions limits because they consider the developed world responsible for the vast bulk of the stock of greenhouse gases. Developed countries want the big emitting developing countries to make firm commitments.
- The extent to which the agreement allows countries to trade their way out of their reduction targets – so that they have ‘responsibility targets’ rather than legal binding greenhouse gas reduction targets. New Zealand wants to be able to buy emissions reductions in other countries rather than commit to reduce its emissions to any agreed target.
- The nature of the agreement to be made – a final legally binding text is desirable but unlikely, but the “politically binding” deal is now expected. Negotiations in 2010 will be heavily impacted by how specific are any deals and the scope and linkages of these and how much reinterpretation and strategic sliding around is permitted by any vagueness.
- Help in the form of money and technology for developing countries to reduce emissions and to adapt, and the extent and means of commitments and delivery of these from developed countries.
- The extent of special pleading by countries such as New Zealand that want to plead special ‘national circumstances’ and to make any agreement conditional.

- Issues of justice, particularly the extent to which vulnerable communities, particularly low lying or storm prone communities are protected and helped to adapt will be major negotiating points, with the affected communities relying on people of conscience to put pressure on developed country governments. The small island states are especially vulnerable.
- The scope of any agreement and what it does in relation to land use and land use change (LULUCF), deforestation and loss of carbon from soils, and which sinks may be acceptable are also major areas of negotiation.

Of course all this only has meaning if countries that do make a deal stick to the deal and do not renege later. Similarly, the quality of greenhouse gas accounting and reporting, and the nature of any disputes processes, compliance provisions, and whether countries will agree to a common international enforcement regime with penalties (likely to be opposed by China and the USA) will be crucial.

In addition to the Government delegation led by Prime Minister John Key, Ministers Tim Groser and Nick Smith, Green MP Jeanette Fitzsimons and Labour MP Charles Chauvel will also be at the negotiations.



Sign On Planet A march in Auckland to call for 40% by 2020 emissions reduction targets. Photo © Greenpeace NZ

Follow the negotiations

To follow the negotiations, watch Geoff Keey's blog at www.signon.org.nz/news. Geoff Keey is Greenpeace's political advisor and an ECO Executive member. He is one of the non-governmental New Zealanders following the negotiations in Copenhagen.

Emissions Trading Scheme Amendments

By Cath Wallace

The Government, with the support of the Maori Party, passed the Climate Change Response (Moderated Emissions Trading) Amendment Act 2009, but at the time of writing this, no consolidated copy of the Amendment Act was available, let alone an integrated copy of the Amendments into the original Labour Emissions Trading Act. The Amendment Act was passed with many changes made from the floor of the House from a government-sourced Supplementary Order Paper after the Select Committee considering the Bill could not agree.

The Emissions Trading Scheme (ETS) is, as before, to cover emissions of the following 6 greenhouse gases: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulphur hexafluoride (SF₆). These are the greenhouse gases covered by the Kyoto Protocol.

The principle behind the design of an ETS should be that a price is placed on the emissions of greenhouse gases (on the basis of their equivalence of potency to carbon dioxide). This price should be faced by polluters who can then either pay to buy emission units to match their pollution, or find ways that are cheaper than the unit price to reduce their pollution. That price is the basis of the incentive to reduce emissions. The higher the price, the more likely it is that polluters will reduce emissions. The fewer the available emission units, the higher the likely price.

Unfortunately the changes to the ETS brought in by National and the Maori Party move well away from that elegant principle. Instead the ETS has been changed to blunt the price signal by shifting most of the costs of paying for our pollution onto taxpayers – who are not able to respond with the pollution reduction action that is at the heart of the ETS, since the big firms who are shifting the costs control the decisions.

The National-Maori Party ETS will be grossly ineffective at reducing emissions and it will be unfair because the polluter will, for the most part, not pay. It will be inefficient in

economic terms because the costs will be externalised and too much pollution allowed.

The Amendment Act leaves in place the provisions, with some modifications, for the issue and relinquishment of emissions units. However, the long delay in entry into the scheme for agriculture (not until 2015), a \$25 cap on the price of emission units until 2013, a very very slow reduction in the rate of free annual allocations and other such subsidies blunt the incentives to reduce emissions which are central to the operation of an ETS. This shifts costs to the taxpayer and places the climate at risk.

According to the Explanatory Note of the Amendment Act and the government's Climate Change website, the main features of the Amendment Act include: "Revised entry dates into the Emissions Trading Scheme of 1 July 2010 for transport, energy and industrial sectors and 1 January 2015 for agriculture."

"Transitional phase until 1 January 2013 with a 50 per cent obligation and \$25 fixed price option for the transport, energy and industrial sectors." This \$25 price cap and two-for-the-price-of-one emissions unit subsidy shifts costs onto the rest of us, and further blunts any incentive polluters might have to reduce emissions.

Agriculture

Elaborating on the changes for agriculture, the *Explanatory Notes* add: "Delay the commencement of unit-surrender obligations for the agriculture sector until 1 January 2015, provide for free allocation of New Zealand units to the

agriculture sector on an intensity basis [and] set the point of obligation for the agriculture sector at the processor level initially, with flexibility to move the point of obligation to the farm level in the future. Individual farms at this stage are not liable, but those who process milk, meat and other products will be."

"A production-based industry average approach to allocations

for trade-exposed, emissions-intensive businesses." This means that there will be free allocations on the basis of average production for particularly polluting businesses that export (including agriculture) or are otherwise exposed to external competition such as import substitutes.

"It is fundamental to an ETS that those who do the pollution face the price signal and hence have the incentive to reduce their emissions"



The actual industry averages are to be based on Australian industry averages. This is likely to be to the advantage of some particularly emissions-intensive and inefficient NZ companies (like Methanex), but to the great disadvantage of more efficient companies with plants smaller than Australian averages, like Fonterra, which it seems, is appalled to find it is not to receive the free allocations because of the use of the Australian industry average approach.

Export of NZ units prohibited

“The export of New Zealand units from the NZ ETS is prohibited, with the exception that the prohibition will not apply to the export of forestry-related New Zealand units.” This means that NZ forestry sink credits can be bought by those operating on the world market.

Forestry

“Provide a transitional phase to operate from 1 January 2008 to 31 December 2012 during which participants in the forestry sector are required to surrender 1 eligible unit for every tonne of CO₂ equivalent emitted and have the option to pay \$25 in lieu of surrendering a unit in satisfaction of unit surrender obligations.”

In the Agreement with the Maori Party, there is also an undertaking to review the Permanent Forests Sinks Initiative Fund to see whether the payment for such permanent sinks accurately reflects the carbon sequestration of such sinks.

Production based industry average allocations and intensity

The reference to ‘intensity basis’ means that the intent is only to reduce emissions per unit of output, not to reduce emissions absolutely, which must be the goal if we are to meet our Kyoto commitments and diminish our impacts on the climate. “Intensity” language signals that increases in emissions are to be tolerated.

“Provide for free allocation of New Zealand units to emissions-intensive, trade-exposed industry on an intensity basis, with eligibility thresholds and phase-out rates for free allocation set at levels to reduce trans-Tasman competitiveness risks”. As above, “intensity” language signals that increases in emissions are to be tolerated so the idea of a “cap” on emissions is gone. Further, allocation on the basis of intensity means that there is no limit on the call on taxpayers to pay for increased emissions.

This and the following allusion to alignment with trading partners is primarily alignment with Australia, an alignment which puts us at the mercy of their high octane politics, undeveloped emissions trading scheme, and undeveloped policy. Such an alignment is anyway misconceived since the shares of different greenhouse gas sources in New Zealand and Australian are very different.

The following from the *Explanatory Notes* to the Act puts the situation like this:

“Under this method, allocation is awarded on a unit-of-production basis for particular activities, based on the industry average emissions for that activity for the period from 2006 to 2008. The total pool of allocation to the industry sector is uncapped and both new and existing firms will be eligible for assistance. Initial levels of assistance are 94.5% of emissions for highly emissions-intensive activities, and 66% for moderately emissions-intensive activities. The free allocation is phased out at the rate of 1.3% per annum.” (p 17)

In other words, there is no limit either on the expansion of emissions or on the total that taxpayers will have to shell out to subsidise polluters! No wonder the Treasury (in the notes to the Act) deplores the lack of analysis of the amendments to the scheme and makes it clear that it is unconvinced that we should align with Australia in the scheme.



Emissions reductions, cost shifting subsidies, and the subsidy phase-out rate

The Act includes the power to set emissions reductions targets by regulation but does not enshrine these into law – because the government is still in international negotiations and cannot expect the ETS to deliver reductions in emissions because the design of the ETS means the incentives are all wrong.

“A phase-out of industry support aligned with trading partners and the Government’s long-term 50% by 2050 emissions reduction target.” It is painfully clear from the science that developed countries like New Zealand should be aiming for 40% reduction in emissions by 2020 against a 1990 baseline, and a greater than 80% reduction by 2050. The government’s target is less than the scientists recommend for the whole world, and given that New Zealand as a developed country should reduce emissions by more than the world average, 50% on 1990 levels by 2050 is far too little. Even with such low aspirations, there is no evidence that the ETS with its muted and misplaced price signals will induce even a 50% reduction by 2050.

The language is also a way of obscuring that we will be asked to subsidise greenhouse gas polluters for much longer than the Labour scheme which phased out the subsidy at 8% per annum. In contrast, the National-Maori Party Act phases out the subsidies much more slowly at just 1.3% per annum. That means the subsidies will go on for over 90 years! This blunts incentives on these polluters to reduce their pollution, and unfairly loads the costs they don't pay on to everyone else.

The Treasury told the Finance and Expenditure Select Committee it estimates the National-Maori ETS will cost the taxpayer \$100 billion more than the Labour-led government's ETS. This estimate was doubled after Treasury advice to the Finance and Expenditure Select Committee that the difference was \$50 billion was challenged, and the Treasury revised its figures. The estimate reflects the massive shifting of costs from polluters to taxpayers, the failure to cap the emissions to be permitted or subsidised, and very long subsidy phase-out period, and assumed prices of carbon (\$25 at first, then \$50).

Fishing

"Increase free allocation of New Zealand units to the fishing sector to 90% of 2005 emissions levels for 1 July 2010 to 31 December 2012." The testimony to the power of the fisheries quota owners is that the subsidy to the fishing industry, in the form of free greenhouse gas emissions units, has been given not to those who run the boats and emit greenhouse gases, but to the fisheries quota holders – many of whom do not even incur the greenhouse gas charge. This has clearly been done to help the big corporate quota owner companies, not the actual fishers. It is likely that quota owners put pressure on both the Maori Party and National for this. The fishing industry has an exceptionally high rate of greenhouse gas emissions, which reflects the energy-intensive nature of fishing (particularly trawling) and the greater distances vessels are travelling, as fish stocks are depleted.

Agreement with the Maori Party

'A Treaty of Waitangi clause' was introduced as a Supplementary Order Paper. It is part of the Maori Party's price for their support and requires that the government must consult when making decisions on certain matters, including:

- Pre-1990 forest land allocation
- Fisheries sector allocation
- Allocation to agriculture
- Point of obligation for agriculture
- Setting of targets under the Act
- Reviews of the New Zealand Emissions Trading Scheme

Carbon farming on Conservation & Maori land

The Agreement between the National and Maori Parties also notes the agreement in principle to compensate tribes with Treaty settlements that may have been devalued by the ETS. It has been announced that this agreement opens up the Conservation Estate to those iwi for afforestation and associated carbon credits. It is not specified in the Agreement whether such afforestation will be restoration or planting, nor whether any planting will be exotic or native species. Reports are that there will be 35,000 ha involved, but the location is not specified. DOC may issue Conservation Contracts, but the Agreement seems to leave open that some afforestation on Crown land may be separate from that mechanism. The Agreement also foreshadows partnerships between the Crown and Maori that may involve the Crown assisting carbon farming on Maori land.

The Agreement also includes an extra \$24m to the Warm-Up New Zealand scheme targeted at low income families. According to the Agreement, this will enable 8000 additional homes to benefit from the scheme.

Biodiversity NPS

The Agreement notes that there have been calls for a National Policy Statement (NPS) on biodiversity and that there are private property rights sensitivities. The agreement provides: "A cabinet paper will be progressed in consultation with the Maori Party by March 2010 to establish a process including involvement of iwi, in the development of a NPS".



Enviroschools Review

The Agreement also commits to include iwi in a foreshadowed 2010 review of the EnviroSchools programme, and in the development of complementary measures to decarbonise the economy, a National Environmental Standard on Sea Level Rise and the National Policy Statement on Renewable Energy.

More information

The *Climate Change Response (Moderated Emissions Trading) Amendment Act 2009* was published just as this issue of ECOLink went to print. It is available to download at www.legislation.govt.nz

Regulatory Holes and Stockton Mine

By Cath Wallace

The October 2009 Parliamentary Commissioner for the Environment (PCE) report into Solid Energy’s Stockton mine and regulatory ‘minefield’ identifies worrying holes in the management of old mines and the regulation of old mining licences – and also ‘whitewashes’ Solid Energy’s Stockton mine.

The regulatory hole is old mining licences, which are often issued for 35 years with a right of renewal for another 35, and so have hugely long lives. Those were the days when the Ministry of Energy Mines Division asked mining applicants about their expected ecological impacts and then said (on the form) “if not known, write “not known””.

The Report’s brief, according to the Commissioner’s overview, was to “investigate the environmental management” at Stockton. Strangely, though the report notes and commends Solid Energy for having set up an environmental management regime, it brushes off the question of biodiversity impacts and the *Powelliphanta augusta* snails and briefly notes the Commissioner’s lack of enthusiasm for coal without any attempt to estimate the greenhouse gas emissions of the mines and ancilliary works and activities, or the greenhouse load from the eventual use of the coal.

The Report simply announces that it will only look at the “physical environment as the cradle of the ecosystem.” Even with that limitation, the report examines only water quality management, and is effusive about that, even though Solid Energy itself admits it missed four out of six of its water quality performance targets. Clearly there have been some much needed improvements in the water quality, but the report says nothing about biodiversity impacts of the mine, the landscape impacts, or even mine and tailings stability.

“...the report says nothing about biodiversity impacts of the mine, the landscape impacts, or even mine and tailings stability.”



Regulatory Holes

The Report’s regulatory section notes that there remain 111 operative mining licences issued under the Coal Mining Act 1979 or the Mining Act 1971, ten of which will not expire for more than 20 years. That with longest to run, the Goodwin licence for open cast lignite at New Vale, Southland, held by Solid Energy, expires in 2062. These mines are still managed under the repealed old legislation rather than the Resource Management Act which has been in force for nearly 20 years.

Of particular concern is that 55 of the 111 contain Department of Conservation land, none of which is protected by Schedule 4 of the Crown Minerals Act, so has no protection from mining. Energy Minister Gerry Brownlee is already apparently determined to remove some protected areas from Schedule 4, so such protection might anyway be under threat had it existed.

The Commissioner notes with concern that when the coal mines that included DOC land were transferred to Solid Energy’s predecessor, Coal Corporation, the Minister of Conservation’s consent was not granted and no Conservation-generated conditions were attached to the licences. This is despite in general in 1987 (when DOC was created) mining and coal licences that included DOC land required the Conservation Minister’s consent and that consent could be accompanied by conditions from the Minister of Conservation.

Most of the DOC land in Solid Energy’s licences is in the Stockton licence and the Sullivan licence at Denniston Mining, which is being ‘restored’. The Commissioner notes with concern that Solid Energy could sell the licences it owns, and even mines that have ceased operation could be revived in other hands. Further, there are no Minister of Conservation conditions where mining or coal licences existed on land that was subsequently transferred to DOC (1,400 ha).

The Commissioner notes a whole raft of difficulties with these old licences – local government powers are unclear with local councils apparently bereft of powers, there seems to be little opportunity to change or add to conditions on these licences and enforcement roles and powers are very opaque and weak.

The Commissioner makes a range of recommendations for change, including amending the Resource Management Act (RMA) to allow conditions to be changed, to empower councils, and to permit RMA enforcement mechanisms to be used. The Minister of Conservation should review the mining licences to ensure conservation values are protected.

Gerry Brownlee eyes the Coromandel

By Cath Wallace



Stockton Mine

The Report urges the government to limit the liability risks and burdens on the Crown and the environment and the public interest protected by curtailing these excessively lax mining licences and changing the terms of these. Any sale by Solid Energy of the mining licences it holds should also trigger a review by the government to review the conditions and / or any sale.

ECO considers it about time all these mines were subject to the full provisions of the Resource Management Act, including the ability to review consent conditions, and that the Minister of Conservation should place conditions to protect biodiversity and other conservation issues on these licences.

“ECO considers it about time all these mines were subject to the full provisions of the Resource Management Act”

More information

The PCE's report *Stockton Revisited: The mine and regulatory minefield*, October 2009 can be downloaded from www.pce.govt.nz

Printed copies can be obtained by emailing report@pce.parliament.nz or by filling in the request form on the website.



Minister of Energy and Resources, Gerry Brownlee, has made clear his desire to see the Coromandel opened up to mining. Speaking on RadioNZ on Friday 27 November 2009, the Minister said, “there are interesting areas in the Coromandel, and it will be controversial me even saying it, where there could be -- and I stress could be -- further gold mining activity,” he said.

“I doubt it would be above ground, where those areas deemed to have relatively low conservation values but are currently locked up because they are deemed to have high values.”

These comments follow the August announcement of the ‘Stock take’ of minerals on DOC land and the announcement that land under Schedule 4 of the Crown Minerals Act may be removed from it, so losing protection from mining. Some areas could be added in.

The Environmental Defence Society has warned the Minister that his statements suggest predetermination of the stock take, and that he is violating the principle of having an open mind.

Do not be fooled by the happy notion of underground mining. It is sometimes possible where a seam is followed, but ‘block caving’ where more widely distributed minerals or coal are removed in caverns, usually then leads to the collapse of the land above and the creation of ‘glory holes’ or large subsidences. Either way, the overburden and any tailings (from metallic minerals) have to be put somewhere, and this is almost never back into the original hole – it anyway swells so that it occupies 160 per cent or so of the space it came from.

“Do not be fooled by the happy notion of underground mining. ... ‘block caving’ usually leads to the collapse of the land above and the creation of large subsidences.”

It has taken forty years to start cleaning up the Tui mine tailings disaster behind Te Aroha and the mine up the Waitekauri Valley closed as its tailing dams started sliding down the hill.

Coromandel Watchdog is gearing up to fight any reopening of the Coromandel to mining, as indeed are other communities readying to fight depredations on protected areas all over the country, particularly the northern South Island, the West Coast and Southland.

Seeds Sown for Protection for Southern Ocean

The 28th meeting of the Commission for the Conservation of Antarctic Living Resources (CCAMLR) took two small but significant steps for Southern Ocean conservation. The two week meeting in Hobart finished on 6 November 2009. Barry Weeber of ECO attended the meeting.

The agreement on the establishment of the first high seas marine protected area closed to fishing in the region is the most significant. Other measures will help safeguard penguins and seals from krill fishing.

The marine protected area, close to the South Orkneys, near the Antarctic Peninsula, was proposed by the United Kingdom. The agreement follows years of discussion on marine protected areas. "The designation of the South Orkney Islands Marine Protected Area marks a significant step forward towards a building a network of protected areas that will ensure the protection of the Southern Ocean for the future," said Rob Nicoll (WWF).

The area covers just under 94,000 square kilometres, which is just smaller than the North Island.

"The South Orkneys designation is an encouraging first step on a road map agreed by CCAMLR Member countries towards establishing a network of marine reserves in the Southern Ocean. To truly protect the Southern Ocean's marine life, CCAMLR is going to have to up their game so that they meet their international commitments to create a network of sufficient size to provide real protection," added Richard Page (Greenpeace International).



Sperm Whale in Antarctica. Photo © ASOC / Frank S. Todd



Photo © ASOC

"The agreement on the establishment of the first high seas marine protected area closed to fishing in the region is the most significant"

The South Orkneys Marine Protected Area prohibits fishing from only a fraction of 1% of the Southern Ocean but still met resistance from fishing nations Russia, Japan and Korea. International agreements commit countries to create a global network of protected areas by 2012.

Krill, the main food of Antarctic penguins, seals and whales, is at risk from expanding fisheries for the small shrimp-like creature. This year CCAMLR took action to prevent the concentration of krill fishing that is likely to rob penguin and seal colonies on the Antarctic Peninsula of the food which ensures their survival in the harsh Antarctic environment. At this meeting, CCAMLR countries agreed that krill fishing could only be significantly increased if the fishery moves into different areas.

"While this year CCAMLR took small steps to change krill fishing patterns", said Jim Barnes, Antarctic and Southern Ocean Coalition Executive Director and a partner in the Antarctic Krill Conservation Project, "climate impacts demand that CCAMLR take much stricter actions next year in order to ensure the survival of Antarctica's penguins, seals and whales."

Despite efforts by CCAMLR to reduce illegal, unregulated, and unreported (IUU) fishing for toothfish species, pirate vessels continue to work in the Southern Ocean. These vessels have moved to using deepwater gillnets, which can be over 130 km long, to catch toothfish. Last fishing season the illegal catch in areas of the Indian Ocean (BANZARE Bank) was estimated at over six times the legal Antarctic toothfish catch. At the meeting Argentina blocked measures to strengthen trade barriers against IUU catches.

Toothfish fishing continues in the Ross Sea where ASOC proposed a marine protected area but scientific and environmental concern about fishing is mounting.

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Countries Agree on treaty to manage South Pacific Fisheries but shirk catch limits

The signing of a new South Pacific Regional Fisheries Management Organisation (SPRFMO) in Auckland in November was welcomed by ENGOs attending, including ECO, Greenpeace, the Deep Sea Conservation Coalition and WWF. The groups called on all countries to accelerate efforts to take real steps to protect fisheries and the marine environment.

The negotiations, underway since February 2006, were begun by New Zealand, Australia and Chile. The Agreement covers bottom trawled species such as orange roughy, pelagic species such as jack mackerel and other non-highly migratory species.

“The structures for managing non-tuna fisheries over a huge area of the South Pacific have been agreed, but the immediate future of the Chilean jack mackerel fishery is grim as countries from the north position to intensely fish the already stressed fishery over the next 1-3 years,” said Sam Leiva of Greenpeace Chile.

China and Peru are greatly increasing effort on the jack mackerel fishery despite scientific evidence of the need for a 50 percent cut in effort.

“The tragedy is that the northern fishing countries and the European Commission seem unable to understand that this short term race for fish will leave everyone the poorer and will have ongoing and unknowable consequences for the marine environment,” said Cath Wallace of the Environment and Conservation Organisations of NZ (ECO).

“The major achievement of this meeting has been agreement on the text of the South Pacific Fisheries Management Organisation which will provide, once it is ratified by countries and takes effect in a few years, a sound basis for management of the fisheries, principally orange roughy bottom fisheries in the western Pacific and around New Zealand and Australia, and the Chilean jack mackerel fisheries in the eastern Pacific. The agreement by more than 25 countries is a huge step forward. It is a major achievement and we can thank distinguished New Zealand international lawyer, Bill Mansfield and his secretariat, for

this, and in particular his efforts to ensure that the text of the agreement includes modern environmental principles and requirements” said Cath Wallace, though it was not as strong as ECO would have liked.

The stakes for the countries competing to fish for jack mackerel, including Peru, the European Commission, the Faroe Islands, China, Chile, and Russia, are high. They have not just been competing for entitlements to fish now, but they know that future allocations depend on their catch history so there is a major “race to fish” on.

Forbearance and concern for the marine environment and its future largely vanished as the haggling went on. There was hard haggling to the end over the rights to fish and to avoid stringent or indeed any meaningful catch limits despite the best efforts of New Zealand, Australia and Chile. New Zealand’s delegation was headed by Gerrard van Boheman of the Ministry of Foreign Affairs and Trade.



“The agreement by more than 25 countries is a huge step forward”

“New Zealand, Australia the USA and others have played a constructive role in these negotiations, and in particular with their efforts to achieve Interim Measures (controls) including a ban on destructive gillnet fishing from the South Pacific. The conclusion of the Agreement on the Convention and the prospect of banning deep sea gillnet fishing are positive developments which are important for the South Pacific,” said Duncan Currie for the Deep Sea Conservation Coalition.

“We acknowledge the positive role that Chair Bill Mansfield and Australia, the United States and New Zealand have played to get this far, and we are glad that the EC has undertaken to stop its flag States from engaging in this destructive practice of bottom gill netting. But it is not enough. Overfishing has to be controlled now.”

Further measures are needed to ensure that vulnerable marine ecosystems and deep sea stocks are protected and all countries must play by the rules. Fishing outside the rules is IUU (illegal, unreported and unregulated) fishing and must stop.

For more information about the SPRFMO agreement visit www.southpacificrfmo.org

Water management in the Hurunui River catchment

By Shane Orchard

Recent developments in Canterbury relevant to the fate of the Hurunui River highlight the role played by several of our policy instruments for environmental management. This presents an excellent opportunity to consider some of the nuances of current provisions for water resource and river management.

The Hurunui Water Project (HWP) was founded on a cry for more water for irrigation related to the mostly dry-land nature of farming in the district. It is based on the idea that there is sufficient water flowing through the Hurunui River at certain times of year to enable a water storage facility to supplement existing needs, while still maintaining environmental flows on the river. HWP has proposed two options for creating water storage, both of which have met strong resistance. They involve plans to build a 75-metre high dam in the south branch of the Hurunui River thus inundating around 525ha of the riverbed including significant native vegetation, and a second dam at the outlet of lake Sumner that would raise Lake Sumner's level by up to 3.2m (see details at www.hurunuiwater.co.nz). The water storage plans would be accompanied by a water extraction regime on the lower river.

In addressing this proposal we have not one but three key policy instruments in play, each providing a different set of criteria upon which to address the issues. As with the general situation determining appropriate management of resources, there is no one right answer for everyone and unfortunately the holy grail of a win-win policy option is not often possible in reality. In the minds of those seeking economic gain, there is benefit in gaining access to the resource which may outweigh the losses perceived by others. So where to next? You guessed it; we will need to see how the relevant instruments are applied to the case.

Consider first the place of a Water Conservation Order (WCO) as this creates a regime which precludes many of the possibilities for modification of a river. A WCO is a statutory tool which sets up rules explicitly regarding extraction discharges, and other uses of water. Regional policy statements, regional plans and district plans must be consistent with the provisions of a WCO. Its purpose is to recognise the outstanding amenity or intrinsic values that water provides which includes such things as its wild and scenic nature, its value as a habitat or fishery, or its



'Hurunui dambusters' march in Christchurch in October to protest the proposed dam on the Hurunui River. Photo by Tess Carney

“Over 1000 people turned up to march in the streets of Christchurch and voice their opposition to any such dam.”

importance to recreational, historic, spiritual or cultural values. The current state of play has seen a WCO application lodged jointly by Fish & Game and Whitewater New Zealand, (and supported by parties like Forest & Bird and ECO) which has achieved partial success. Partial in this case refers to the decision of the Tribunal to recommend a WCO over part but not all of the stretches of river sought in the application.

Regarding the Hurunui Water Project, the current WCO result eliminates the possibility of raising the level of Lake Sumner for water storage, but does not preclude plans to dam the South Branch of the Hurunui. Consequently, HWP saw this as paving the way for the consents it requires to build a dam in the South branch. On the table is now a smaller version of the original scheme but one which nevertheless represents a poor environmental management option for many people. This was shown dramatically when over 1000 people turned up to march in the streets of Christchurch and voice their opposition to any such dam. In summing up the thoughts of many, Green Party spokesperson Russell Norman said, “We’ve already lost so many of our wild rivers to dams, pollution, water extraction; we don’t want to lose another.”

Since then there has been vigorous opposition to the HWP by many groups, notably those which had supported the original WCO application. An appeal to the existing WCO recommendation was lodged on September 2nd by Whitewater New Zealand. A range of parties from Meridian Energy to Forest and Bird have also appealed the decision, and dates have been set in the Environment Court in May 2010. The appeal process provides the most likely pathway for prevention of impacts on the South Branch of the river.

Also of interest is the Canterbury Strategic Water Study completed in 2007, and of relevance to the Hurunui the stakeholder group involved found other storage options

Biosecurity Act 1993 review process

By Shane Orchard

more attractive, stating a range of concerns about a high dam on the South Branch. These include complete loss of the salmon fishery and inundation of ecologically significant habitats. The group generally supported combinations of other options whereas the Hurunui Water Project then disregarded those findings in favour of pursuing high impact damming of the Hurunui for their scheme. However in another development HWP have put their consent process on hold for the time being whilst a newer tool, the Canterbury Water Management Strategy, is being progressed. According to HWP Project Manager Amanda Loeffen, "It has become clear to us that a collaborative process is preferred and that compromises need to be offered. To allow the strategy the best shot at addressing where water should be stored in Hurunui and across Canterbury, we have chosen in good faith to temporarily place our application on hold."

They have also made an application to the Environment Court that the WCO be adjourned for the Management Strategy process to run its course. However the latter is a regional document whilst the WCO legislation concerns national level considerations, so it will be of interest to see how the Environment Court responds. Presumably the reverse argument would be just as sensible, maybe more so.

Therefore for the time being we have a situation where the RMA-centred process will take a back seat to both the WCO process and the Canterbury Water Management Strategy, though this is not to say that the matter will not find its way into that setting eventually. In the words of Forest & Bird South Island conservation manager Chris Todd, "As long as those consent applications are sitting on the table, we need to remain vigilant." Should the WCO appeal be unsuccessful, consideration of the requested consents under the RMA will be possible. The recent resignation of Ngai Tahu Property from the Project's board would also seem to make their case weaker, but as seen with the Canterbury Plains Water Scheme, iwi opposition is not necessarily a barrier to seeking consents.

Even if the HWP proposal is not regarded as a preference under the Management Strategy then there is currently nothing to stop its applications being continued, forcing the ratepayer to continue entertaining the existing piecemeal approach to water management; the very same which that strategy seeks to address. It is difficult to speculate at present on the consequences of the Canterbury Water Management Strategy as it continues to be developed, and I look forward to discussing this further in the next article. Its intention is provide a significant modifier to the RMA regime, and its application to river management questions such as those concerning the Hurunui will be certainly seen in the near future given the high demand for answers to water abstraction issues in Canterbury.

The Minister for Biosecurity, Hon David Carter, has asked the Ministry of Agriculture and Forestry (MAF) to review the Biosecurity Act 1993 with the aim of introducing amendments into Parliament by mid-late 2010.

The aim of the biosecurity system is to ensure "New Zealanders, our unique natural resources, our plants and animals are all kept safe and secure from damaging pests and diseases" (Biosecurity Strategy 2003).

The review will focus on the need for change in key areas rather than review all aspects of the Act. An Information Paper has been prepared by MAF to introduce the priority areas of the Act that appear to warrant amendment. These are:

- border management;
- marine biosecurity;
- pest management;
- biosecurity preparedness and response within New Zealand;
- the sanctions regime for non-compliance.

For each of these subject areas, the Paper sets out the drivers for change, what should be different in the future and what might change in the Biosecurity Act. It has been produced to aid discussions on what might form the basis of specific changes to be introduced next year. Key questions from MAF's perspective include:

- Are the drivers identified appropriate?
- Do the likely areas of change seem reasonable or not?
- Are there any obvious areas of change that are missing?

MAF began consultation in November and will be holding further workshops in February and March 2010 to work through the issues in more detail. The public are welcome to attend these workshops or provide feedback directly to MAF. Written comment is requested prior to 23 December 2009 so they can be considered before the workshops.

Following the workshops, MAF will finalise its analysis considering key issues raised by stakeholders, and prepare advice for Ministers. It is expected that the Government will make decisions on the final policy content of the Biosecurity Act Amendment Bill in mid-2010, and the Bill will be introduced into the House later in the year.

For more information visit www.biosecurity.govt.nz/biosec/poll/biosecurity-act-review

Water, water everywhere, but not much left to drink

By Tushara Kodikara

While most of the planet is covered with water, only three percent of this water can be classified as freshwater. Two-thirds of this freshwater is frozen and much of the remaining one-third is found underground. The remaining 0.3 percent of freshwater is found on the surface of the planet, mainly in the Giant Lakes in North America and Lake Baikal in Russia. The source of almost all freshwater is precipitation from the atmosphere.

Water is one of the most important components for the survival of all living organisms. While many organisms can survive on saltwater or very little water, most mammals and the majority of higher plants must have access to freshwater to be healthy.

Around a third of the world's population has limited access to freshwater. According to the World Wildlife Foundation, 1.1 billion people lack access to water and 2.6 billion lack adequate sanitation services. The vast majority of these people live in the poorest countries. It has been estimated most of these people live in sub-Saharan Africa, Eastern Asia and Southern Asia.

Two-thirds of the water taken from the environment is used in agriculture for irrigation systems. This can have adverse impacts on ecosystems. Water used to irrigate crops means constructing dams and emptying rivers into irrigation canals. However, rainwater can replenish some of what is taken out of rivers, although, the amount of rain that falls on the planet is still not enough to replace all the water taken out of the environment for human activity.

The International Water Management Institute estimated around 250 cubic kilometres of water is used for irrigation each year. This is 100 cubic kilometres more than the rain puts back into groundwater sources. The rest is pumped up from underground, where it took in some instances, many thousands of years to build up.

A water footprint is a measure of the total water used to produce a good. This is made up of both the good's direct water use and its indirect water use, the volume of water

required in the production of the good. Indirect water use includes the use of blue water (rivers, lakes and aquifers), green water (rainfall in crop growth) and grey water (the resulting polluted water after agricultural, industrial and household use).

Although the water footprint indicates how much water is used to produce the good, the impact of this depends on when and where the water is sourced from. If it is taken from a source already plentiful, the impact may be negligible. However, if it is taken from a source already under stress, the effects may be very adverse, including the drying up of rivers, the destruction of habitats and livelihoods, and the extinction of species – in addition to affecting agricultural prices, supplies and local economies.

The water footprint of some common goods may surprise you. For every kilo bag of rice, it takes between 2,000 and 5,000 litres to grow. It takes 1,000 litres to grow a kilo of wheat and 500 litres to grow a kilo of potatoes.

Unlike most of New Zealand, in many parts of the world, grain is used to feed livestock for animal products such as meat and milk. In this case, it takes between 10,000 and 24,000 litres to grow enough feed for enough cows to make a kilo of beef; and 2,000 to 4,000 litres to produce a litre of milk. For a kilo of cheese, it takes a further 5,000 litres of water.

If you are sitting down drinking a cup of coffee, while reading ECOLink, you may be also interested to know that it takes 140 litres (or 1,120 cups) of water to grow enough coffee for one cup. If you have added sugar to your coffee, it takes another 50 cups of water for every teaspoon of sugar.

The unsustainable use of water for agricultural and industrial use is draining valuable underground water all around the world. This will affect the planet's ability to feed itself. It is estimated one-tenth of the food grown uses water sourced from underground and this is not being replaced by rainfall.

With an ever-growing population, the demand for more food will also increase. The task to provide freshwater for human use is enormous. Even today, the basic water needs of a billion people are not being met. It has been estimated that by 2025, water scarcity will see the loss of global food production by 350 million tonnes a year, equivalent to one loaf of bread person per week.



“the amount of rain that falls on the planet is still not enough to replace all the water taken out of the environment for human activity.”

Obituary – Peter Read, Energy expert

By Cath Wallace



Considering many of the world's poor already lack the basics, this will place even more stress on their survival.

It is easy to forget the value of freshwater here in New Zealand, especially when you consider how we use drinking water to flush away human waste. If we don't start to change the way we use freshwater, the coming decades may see the collapse of our global culture. Combined with climate change and other environmental issues, the shortage of freshwater could see a very bleak future.

“Two-thirds of the water taken from the environment is used in agriculture”

Water Footprint NETWORK

For more information see the Water Footprint Network at www.waterfootprint.org.

The website features a footprint calculator to assess your own individual water footprint.

In November The Water Footprint Network produced the first *Water Footprint Manual* which contains an overview of the water footprint assessment method.

www.waterfootprint.org



Dr Peter Read, Massey University energy expert and honorary research fellow, died in the Netherlands on 24 November 2009 at his hotel, shortly after delivering a paper to a Brussels conference on African energy options. Trained in engineering at Cambridge where he did his PhD, Peter also did a Masters in Economics at the London School of Economics.

He lent his authority to the anti ‘Think Big’ schemes of the Muldoon government after he arrived in New Zealand from the UK with his New Zealand-born wife in 1980. He continued as an independent and outspoken thinker with a particular interest in influencing the policy debate, throughout his time at Massey University. He was active in the debate about how best to tackle climate change and served roles with the IPCC science work-shopping process.

In January 2009 he wrote: “My main focus of interest is designing a policy response to threats of abrupt or catastrophic climatic change – ‘climatic’ rather than just climate since the most obvious threat, the collapse of ice masses on Greenland and Antarctica, raising sea levels globally by several meters, hardly constitutes a change in the climate, although potentially induced by it.”

He clashed with those who wanted most attention to be directed at reducing greenhouse gas emissions. They consider that anything less would allow increasing emissions. He calculated that more than emissions reductions was needed, particularly if we are to reduce atmospheric concentrations of greenhouse gases to 350 ppm.

He became an early advocate of the use of biochar – low oxygen burning of biomatter – as a means of stripping carbon from the atmosphere and he advocated its use as a soil fertility enhancer, a practice which he hoped would benefit the poor in developing countries.

As one commentator who sadly noted his death said “He was one of the very few people who understood the true gravity of the situation, and that if we did not act now, the chances of avoiding a ‘point of no return’ in the Earth’s climate system were slim. But, more than this, he acknowledged and upheld the scientific logic that emissions cuts, however drastic, could not save the situation.” While many will recall his sometimes dense writing style and seeming inability to forgo side swipes at those who disagreed with him, other commentators recalled him as kind and humorous, and very willing to share his skills.

He will be sadly missed, but let us hope that the decision makers at Copenhagen do justice to his efforts to avoid runaway climate change.

Let's protect our wild and scenic rivers

By Shane Orchard

All of the issues at play in the Hurunui River are very relevant to our ability to provide adequate protection for other wild and scenic rivers. Though everyone's perspective on what is a 'wild river' may differ, there are many reasons why our Wild Rivers deserve better protection. These include their values as cultural and historic sites, as habitat for native species, in carrying sediment to the sea thus replenishing coasts and preventing erosion, and as important landscape features such as gorges, waterfalls and braided rivers, many of which are important to our tourism industry.

However our wild rivers are under threat from hydro electricity generation, water storage and irrigation plans, and pollution. Wild rivers are not renewable and our remaining wild rivers need urgent protection from destruction.

For these reasons the Wild Rivers campaign was initiated with the goal of protecting wild rivers for future generations. It is a multi-party initiative representing the concerns of many new Zealanders. The campaign is now underway and is hosting the first of its 'Day on a Wild River' events on the Hurunui. These events are aimed at increasing connections between the public and the values of wild and free-flowing rivers, and raising awareness of threats.

The protection of wild rivers is an important component of a future-focused New Zealand and is a real acid test for definitions of sustainable development, especially in the face of demand for renewable energy and intensification of land use.



Photo by Shane Orchard

“Wild rivers are not renewable and need urgent protection from destruction”



Photo by Shane Orchard

Wild Rivers Vision:

Wild rivers are not renewable. New Zealand's remaining wild rivers must be protected for future generations as national treasures.

- Wild rivers need the same protection as national parks
- New Zealand's energy future does not need to sacrifice our remaining wild rivers
- Wild rivers are free to be enjoyed by everyone
- New Zealanders are passionate about wild rivers, which are central to our national identity and international reputation

The real answer lies in promoting societal learning with a focus on defining criteria on which to design sustainable energy production and low impact forms of agriculture.

In New Zealand history there has seldom been a strategic approach to identifying the most appropriate utilization

of common access resources, and this is sorely needed. A strategic approach is probably required to give effect to a sustainability paradigm whilst maintaining standards of living derived from economic activity, and in this respect it will be interesting to see what collaborative processes such as the Land and Water Forum and Canterbury Water Management Strategy (CWMS) deliver as their strategic priorities.

In the meantime it is important that we continue to fight against inappropriate impacts on nature's life support systems using the avenues available within the current environmental management system. Perhaps each of these occasions may present opportunities to instil appreciation for a longer term view of resource use.

More information

For more information or to become a Wild Rivers Supporter visit the website www.wildrivers.org.nz

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Bluefin tuna catch 'should be halved' or closed

By Barry Weeber

Governments have agreed to cut the catch by 20 percent for the endangered southern blue fin tuna. The meeting of the Convention on the Conservation of Southern Bluefin Tuna (CCSBT) took place in Korea in October.

This is less than the 50 percent that was suggested by scientists. The stock is estimated to be less than 5 percent of 1940 levels which is a level where the fishery should be closed under New Zealand harvest rules.

The main countries which fish southern bluefin tuna include Australia, Japan, Taiwan, Korea, and New Zealand. While the meeting agreed to cut the catch, the catch allowed to New Zealand vessels was actually increased to 570 tonnes out of a global catch of over 9,500 tonnes.

It is time New Zealand took further action to protect the bluefin tuna and stopped targeting catches of this species.

For more information visit www.ccsbt.org

Merry Christmas

ECO wishes all our Members and Friends a very Merry Christmas and Happy New Year. Thanks for your ongoing support.

A special thankyou to all our regular donors and to everyone who gave generously to ECO's Annual Appeal this year.



**PUBLISHED BY ENVIRONMENT
AND CONSERVATION
ORGANISATIONS OF NEW ZEALAND**


**ECO, PO Box 11-057, Wellington
Phone/fax 04 385-7545
e-mail: eco@eco.org.nz
2nd floor, 126 Vivian Street, Wellington
Website: www.eco.org.nz
ISSN: 1174-0671
Printed on 100% Recycled Paper**

**Editing: Elizabeth Lee
Layout: Amelia Luxton**

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