



Election Implications

The specials are not in as this ECOLink goes to press, but it is clear that NZ will have a National-led government supported by Peter Dunne of United Future and John Banks of ACT. The role of the Maori party is not yet clear, nor is any deal with the Greens. We know that Labour is to choose a new leader and that the Greens have greatly improved their share of the vote, and may yet gain another seat.

The National Party has economic growth as a high priority and its tendency last term to cut corners on the environment and to disregard due process is a concern. They have a road building gusto and delight in favouring business, particularly farming, with eye-watering subsidies for irrigation (\$400m) and for greenhouse gas emissions holidays (amounting to billions).

National's designs on the RMA Principles, sections 6 and 7, are discussed elsewhere in this issue of ECOLink but ACT wants this to go further to a full review of the RMA. National with ACT have agreed to "simplify" the planning system and to "legislate to ensure that there is only one plan (a "unitary" plan) for each district." This suggests that the role of the Regional Councils may be under threat or that there



may be more forced mergers of Regional and District Councils as in Auckland.

Not included in National's post- Election Action Plan, but promised by Nick Smith is a new Bill on Environmental Reporting which is to be done by the Parliamentary Commissioner for the Environment.

National, prior to the election, also signalled a wish to get the Marine Reserves Bill out of the doldrums, but we have yet to see whether this will retain its form as originally submitted to Parliament and it is not on the post-Election Action Plan. In the past it was the Maori Party that blocked progress on this Bill, so it will be interesting to see whether that party takes the hint to go beyond being the mouthpiece of the industrial fishing industry on marine issues. We have not yet seen, as this was written, any details of a National-Maori Party agreement or MoU.

National has promised to update the Maritime Transport Act including the International Convention on Civil Liability.

Processing of oil and gas exploration permits is to be changed, with the EEZ and Continental Shelf (Envi-

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ronmental Effects) Bill in the House already, but it is deeply flawed, particularly its concept of “balance” which would seem to allow economic considerations to overwhelm environmental protection.

Spending cuts to the public sector, except to the expanding Crown Minerals section of the Ministry of Economic Development (MED), are intended to be intensified, with legal caps and limits on public spending and borrowing.

John Key has given John Banks of ACT control of regulations, and this will allow ACT to continue its deregulation efforts, despite the evidence that lack of regulation – as for instance in the Pike River Mine case – is causing increasing difficulties for the environment and for safety in employment. The ACT-inspired Regulatory Standards Bill is to be carried forward.

Peter Dunne of United Future has been appointed to the positions of Minister of Revenue, Associate Minister of Health and Associate Minister of Conservation. The latter is a particular concern since Dunne has been largely captured by the hunters’ lobby. This lobby, and hence Dunne, opposes the use of 1080, and has engineered the Game Animal Council which wants increasing power over the management of what to conservation are mammalian pests in the NZ environment, particularly deer, tahr, pigs and the like. The hunter lobby wants these beasts to be fostered for hunting rather than effectively controlled, and it is a major concern that they are to gain so much influence. Dunne has gained National’s commitment that the Council be established by law as a Statutory Body.

Helicopter hunting is to be prevented on the conservation estate, according to the agreement between National and Dunne. Free public access to rivers, lakes, forests and the coastline are also part of Dunne’s agreement.

State Owned Enterprise privatization partial or complete has received much publicity with the government’s plans to partly privatize energy companies. Dunne’s agreement with National records that there will be no sale of Radio New Zealand or Kiwibank.

We will have to wait and see who the other Ministers are and what are their rankings in Cabinet, since these were not available as we went to press.

Keep The Coal In The Hole Summer Festival 2012

Mataura, Southland - 20-23rd January 2012

The Keep the Coal in the Hole Summer Festival will be held in Mataura, on the farm of lignite opponent Mike Dumbar, half a kilometre from the pilot briquetting plant now being built. A coalition of organisations will be there as well as senior scientists for a day of presentations and stalls in the local Mataura Hall. Organised by the Coal Action Network, this is a four day festival to stand alongside the people of Southland and build a movement around climate justice. There will be family camping, live music, fun for the kids, big cook-ups, visits to the proposed lignite mine, workshops on strategy, information from various groups actively campaigning against coal, training in non-violent direct action, videos, and an Open Day in Mataura with speakers and discussion groups on the issues relating to lignite.

Help the organisers by registering now – and you’ll get a sweet discount if you sign up before 20 December.

For more information and to register online go to: <http://nocoalsummerfest.org.nz/information>

The Summer Festival now has a Facebook events page at <http://www.facebook.com/event.php?eid=305271519500415>

How you can help:

There is a great team of organisers working hard to get this festival off the ground, but they can always use more help. Here’s what you can do:

1. First of all, please attend and invite others to attend!
2. Help spread the word. Posters to be put up in likely places in your community and around the country. If you can help please let them know by emailing: jeanette@greens.org.nz.
3. Complete the volunteer form on the festival website: <http://nocoalsummerfest.org.nz/volunteer> Some examples of tasks they still need help with are:
 - set up and pack down of the camp site in the days before and after the festival
 - designing and running the kids’ programme
 - more help with organising and preparing food
4. If you can spare an hour a week or one day of your time - they can find a job for you! Just let them know by emailing: canasummerfestival@gmail.com

Hydraulic Fracturing: “Fracking”

by Dell Panny

What is it?

If you Google “fracking” or “hydraulic fracturing”, you’ll find dozens of articles and small videos on-line. The process involves sending water, sand and a cocktail of chemicals under pressure to a layer of shale, shattering rock and releasing gas and oil that have been trapped in the rock. The gas or oil then flow freely to the surface.

Is it safe?

Consider these things:

1. Near drilling sites in the United States, people have fallen ill, animals have lost hair or fur, and fish and birds have died. Water has been contaminated with radioactive material (radium 226, strontium and barium), heavy metals and carcinogens. Methane gas has entered pipes taking water into homes and the air has been polluted. In Australia, a government report into drilling sites found that half of the gas well heads tested were leaking methane gas.
2. Fracking has been suspended or banned in several places, where it is suspected of having caused small earthquakes or swarms of earthquakes: Blackpool, England; Arkansas, US; New Jersey, US; Basel, Switzerland. Two recent earthquakes in upstate New York are associated with wells into which toxic fluids have been injected for disposal purposes.
3. Fracking has been banned in France, Quebec, Pittsburgh, Buffalo and the Karoo region of South Africa. The EU has proposed a moratorium while investigation is carried out. Moratoria are in place in New South Wales and New York State. The National Toxics Network in Australia has called on state and federal governments to introduce, as a matter of urgency, a moratorium on all drilling and fracking chemicals until they have been examined independently.

Promoters of the oil and gas industry claim fracking is safe. America’s Environmental Protection Authority has admitted that the chemicals used are toxic, but insists they pose ‘no risk’. Weston Wilson, former member of the EPA, accuses those who dismiss the risk of conflict of interest.

Is fracking used in New Zealand?

Yes. It is already employed in Taranaki. Overseas companies are currently seeking permits to take this practice into many parts of the country. Serious preparatory work is taking place in Southland’s Waiiau Basin and exploratory work has been approved in Canterbury.

Will regulations protect New Zealanders against the poisoning of aquifers and rivers?

Unlikely:

1. It is almost impossible to monitor the effects of the toxins sent into the ground by the fracking process. Companies are not obliged to disclose the commercially sensitive chemical mix. In Australia, the National Toxics Network has released a briefing paper in which Dr Mariann Lloyd-Smith states, “Constituents of fracking fluids are often considered ‘trade secrets’ and not revealed. ... The ones we were able to identify concerned us because of their potential to cause significant damage to the environment and human health. Some are linked with cancer and birth defects, while others damage the hormone system of living things and affect aquatic species at very low levels.” Dr Lloyd-Smith has indicated that fracking uses “a very large quantity of chemicals ... Whether they stay underground or they are brought back to the surface and placed in evaporation ponds, there are significant risks of pollution to waterways, the atmosphere and surrounding communities.” (posted Feb 21.2011 by the National Toxics Network)
2. The “chemicals used in fracking ... are not easily biodegradable,” says Gavin Mudd, an environmental engineer at Monash University. “Often the impacts are cumulative; some of the chemicals can slowly build up in the food chain in the long term.” (Tozer and Cudby, Sydney Morning Herald, Oct 19, 2010) In Queensland, where gas exploration has proliferated, the fat of cattle has been found to contain carcinogenic benzene and toluene.
3. In addition to the injection of toxic chemicals, the process can disturb and release toxic gases and radioactive substances. An Australian Senate Inquiry has heard from medical experts that “BTEX

chemicals [benzene, toluene, ethylbenzene, xylene] have been used in fracking, in the United States and other parts of the world The fracking process itself can release BTEX from natural gas reservoirs, allowing them to escape into aquifers or the surrounding air. ... They are a class of chemicals known as volatile organic compounds, which easily vaporise so people can be exposed through drinking water, bathing or breathing in vapour.” (Vicki Anderson, The Press, 24.07.11)

4. Gas industry representatives say that rock which is fractured lies below the level of aquifers. In fact, the depth of the target rock is variable. Contaminated frack-water can seep through fissures. Sometimes the load of chemicals is lost into an aquifer situated above the target rock, sometimes a well collapses, releasing the toxic mix into an aquifer.
5. Huge volumes of water are used, up to 20 million litres for each frack. The wastewater from the process is unusable subsequently. It must be disposed of somehow. Containment ponds and wastewater pits often fail. Treatment is generally not equal to the task of removing heavy metals, poisons and radioactive contaminants.
6. The scale of operations tends to escalate. In Pennsylvania, more than 3,000 new bores have been sunk in a single year, many of them close to lakes and waterways. The result is an “ecological disaster area”. (Dominion Post, Aug 13, 2011, p. A9)

How can the proliferation of fracking be explained?

1. In the US in the past decade, a landowner or country home-owner has typically been approached by a gas company official offering a substantial sum to lease land for drilling. People living in economically depressed areas have been especially susceptible to such offers. A non-disclosure clause has prevented subsequent health and water quality complaints from being made public. The mining activity has improved the economy of a number of districts initially.

2. Ohai, in Southland’s Waiau Basin, is at the centre of a proposed shale-gas extraction area. All the shops in the town are empty and the district needs economic stimulation. L&M Energy holds two permits to drill in the Waiau Basin.

What benefits or disadvantages could fracking bring to Aotearoa-New Zealand?

1. The Government’s share of revenue secured from the sale of the extracted oil or gas is a small percentage.
2. There could be a short-term boost to the economy of some districts.
3. Poisoning aquifers, increasing earthquake risk, contaminating streams and rivers, releasing methane gas and radioactive material from layers beneath the surface, and undermining the health of people and animals are among the negative consequences of fracking.
4. The suggestion that company and industry practice would be better here in Aotearoa-New Zealand than it has been in the US or elsewhere is open to question. Wherever it is practised, hydraulic fracturing deploys a secret mix of toxic chemicals, as well as sand and huge quantities of water. It produces the wastewater that must be disposed of.

We do NOT want toxic chemicals injected into the earth and rock of Aotearoa-New Zealand, or radioactive substances released through fracking.



Toxic waste pit on a farm in Waitara, Taranaki

Anyone in doubt can consult www.ntn.org.au, then click on “The Updated Briefing Paper”, posted 30 June 2011, to find a thorough study by Dr Mariann Lloyd-Smith and Dr Rye Senjen, of Australia’s National Toxics Network, which seeks “A Moratorium on Hydraulic Fracturing Chemicals”.

The National Council of Women is asking that the same concerns, identified by Australia’s National Toxics Network, be addressed in Aotearoa-New Zealand.

A MORATORIUM ON HYDRAULIC FRACTURING SHOULD BE PUT INTO EFFECT pending:

1. a comprehensive hazard assessment, requiring disclosure by the industry of all toxins used. It is unacceptable to claim that this information is “commercially sensitive”;

2. a comprehensive health and environment assessment:
 - a) associated with hydraulic fracturing’s release of gases that were formerly confined below the surface and,
 - b) associated with the release of toxins through seismic activity or failure of well casings;
3. a full cost-benefit analysis to investigate long-term impacts, addressing the potential to trigger seismic activity, potential contamination that may affect farming, tourism and domestic water supply, and potential increase in greenhouse gas emissions.

Dell Panny is the Convener of the Environment Standing Committee for the National Council of Women, New Zealand

ECO Annual Street Appeal 2012 (Wellington)

Calling all Wellington Friends of ECO! The date for our Annual Street Appeal will be Thursday 22nd March 2012. We will be out collecting from 8am until 5.30pm, mostly in the Wellington Central Business District, although if we can get enough volunteers for collecting we’ll work the suburbs too.

If you have an hour or two to spare on Thursday March 22 next year, and really want to contribute to ECO, please volunteer to be a collector. Every little helps, and the more collectors there are, the more money we raise.

ECO Street Appeals (Nationwide)

We would like to invite ECO members and Friends in other centres to consider running a street appeal on ECO’s behalf. We can offer you advice on what you need to do, such as obtaining approval and a date from any local governing body, how to persuade people to be voluntary collectors, what sort of collecting vessels seem to work best, and give you stickers and brochures to hand out.

Being a street collector gets you out into the sun – or rain or wind –, is an opportunity to meet many other people, gives you time to think about things during quiet moments, and to stand and stare as the world goes by. And you will help ECO by contributing to our finances.

Please be encouraged to think about running an appeal in your town or city. We will support you.

For more information, and to put your name forward, please contact:
Debbie at the ECO office, (04) 385 7545, eco@eco.org.nz,
or Elizabeth at (04) 476 9809, geoff.lee@xtra.co.nz

Natural environment aspects of the CERA recovery strategy for Christchurch

Public consultation on the draft Recovery Strategy for the greater Christchurch area is now closed. The Canterbury Earthquake Recovery Authority (CERA) is now considering the comments from the public and working with other parties before it will make recommendations to amend the draft Strategy. The comments and the recommended final Recovery Strategy will be considered by the Minister for Earthquake Recovery early in the new year.

Overview of Draft Strategy

The final CERA Recovery Strategy will be a powerful document with statutory effects which either give direction to, or directly override existing local government documents and strategies. Local government will be expected to provide for most of the implementation requirements of the CERA Recovery Strategy, including amendment of regional and district plans to be consistent with the Recovery Strategy. The CERA Act provides mechanisms for changes to existing strategies, plans and policies and the associated processes through Recovery Plans and other powers. Therefore the CERA Recovery Strategy will have long-lasting and far reaching effects on the future management of the greater Christchurch area.

Recovery plans

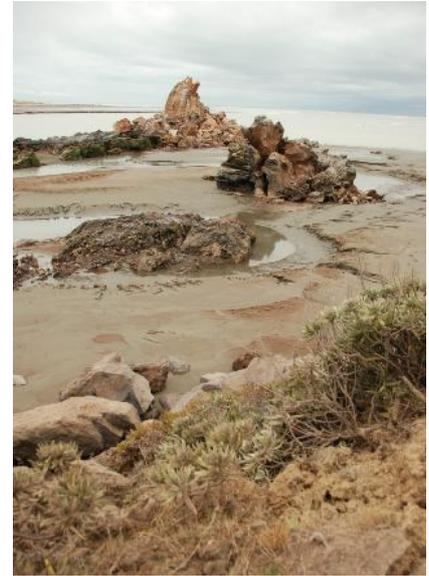
The draft strategy identifies six recovery plans - Central City, Built Heritage, Economic, Education Renewal, Finance and Funding, and Land, Building and Infrastructure.

The need for natural environment recovery

The natural environment underpins the social, economic and built aspects of the recovery. The land and water systems that underlie the city support its functions, providing a range of critical ecosystem and landscape services, ranging from water supply to stormwater management and biodiversity and recreational values. They also constitute significant risks, from flooding, subsidence and liquefaction.

“A Natural Environment Recovery Plan provides the best mechanism to ensure a successful recovery of the environment alongside other goals.”

The remains of Shag Rock (Rapanui) at the entrance to the heavily affected Avon Heathcote Estuary (Ihutai) following the February 22 quake.



Preparation of robust and resilient recovery plans in the economic, social and built sectors of the plan therefore depends upon having well integrated and sustainable green and blue landscape systems interwoven across the city. Public confidence in the recovery also requires a convincing and coherent approach to the natural environment, particularly as it was the failure to undertake robust environmental planning that contributed much to the scale of the disaster.

A Natural Environment Recovery Plan would provide details of the priorities and actions required to ensure the resilience of the social and built plans in particular, and provides the best mechanism to ensure a successful recovery of the environment alongside other goals. A Natural Environment Recovery Plan is needed from the outset to provide integration of environmental goals and other goals. Such a plan could significantly reduce the risk that recovery and rebuilding might miss opportunities, and remake mistakes from previous periods of planning. Opportunities to specifically address natural environment needs also exist within many of the other Recovery Plans proposed, especially in respect of the Built Environment, but these opportunities need coordination in order to be effective.

Given the central role of CERA recovery plans in the strategy for Christchurch's recovery, it is hoped that the final Recovery Strategy will specifically require a Natural Environment Recovery Plan. Interested people can keep an eye on developments on the website: www.cera.govt.nz

National on the RMA: Section 6 & 7 changes and fast tracking

by Cath Wallace

The National Party has signalled its intention to change the Principles of the RMA, Sections 6 and 7, whilst leaving the Purpose, Section 5, and the Treaty of Waitangi, Section 8 unchanged. Changes may see a demotion of some aspects of the importance of the environment, and possibly the insertion of economic goals.

One impetus for the changes is the lack of consideration of natural hazards by Christchurch City Council in its resource consents since 1991, despite rather explicit warnings about liquefaction and spreading of the land thereafter, particularly after 2004 when hazards had been well documented, said Nick Smith, Environment Minister in the 2008-2011 government. Smith has indicated that as well, there will be changes to Sections 6 and 7 to reflect goals for infrastructure and the urban environment, as foreshadowed in the government's so-called technical advisory group (TAG) reports on infrastructure and on the urban environment. These groups, like most of the TAGs appointed by the National government actually normally comprise vested interests, but rarely people with environmental concerns.

A new TAG has been appointed by National to come up with proposed changes to Sections 6 and 7 of the RMA, headed by Alan Dormer, an RMA lawyer. Given the emphasis on privileging economic growth and economic objectives in the EEZ and Continental Shelf Bill, there are grounds for considerable concern that National has rejected simply inserting consideration of natural hazards into the RMA, and instead wants to change the criteria in these sections, Matters of National Importance (s6), and Other Matters (s7), respectively.

The things that have resulted from the Phase II changes to the RMA that have pleased Smith are; the fast-tracking of infrastructure projects, and the pressure on Councils to make decisions with inadequate information.

National now plans to limit the time for processing and deciding on "regional" projects to just six months, an even more constrained timetable than the nine months allowed for the supposedly nationally significant projects – though how, for instance, King Salmon's application could so qualify, is beyond us. National has listed the following as examples of projects of

regional significance: "new industrial developments, new subdivisions, new retail developments, and regional infrastructure".

In the best tradition of National's spin doctoring, cutting down on public notification and other fast tracking is being referred to as "streamlining" and "improvements", though often the impacted community is disadvantaged by such changes. Genuine moves to efficiency and saving on transactions costs where the environment and community are not disadvantaged would be supported by ECO, but the impacts of much of the government's "streamlining" has been to remove the notification requirement, limit time for communities to organise, and enforce sloppy decision making.

Other intended changes to the RMA include integrating plan making "for resource management, land transport, and local government planning processes", again with reference to the reports of the Urban and Infrastructure TAG reports.

"Cutting down on public notification and other fast tracking is being referred to as "streamlining" and "improvements", though often the impacted community is disadvantaged by such changes."

National has promised to do further work on the recommendations of the Land and Water Forum, and that is continuing to work, but so far National has only adopted a handful of LAWF's 51 recommendations.

Potentially more positively, National says it will "provide incentives for parties in RMA proceedings to collaborate and agree on solutions to environmental problems", but no detail is provided on what such incentives may be.

The repeal and replacement of the Soil Conservation and Rivers Control, and Land Drainage Acts is also intended.

National says it will introduce a new RMA Amendment Bill in 2012, potentially in March.

For National's RMA policies see http://www.national.org.nz/PDF_General/Resource_Management_Policy.pdf

350 Aotearoa - climate solutions

by Aaron Packard

November has been a big month for the 350 movement, both locally and globally.

After months of campaigning and hard work by our friends in the US, President Obama delayed the decision on the Keystone XL tar sands pipeline until after the 2012 election, effectively killing the project. It's a rare win in the fight against the big polluters, and is also a powerful demonstration of the ability of people-power to overcome what might seem like impossible challenges.

More locally, our effort and support was recognised at the Sustainable Business Network Awards when 350 Aotearoa was given the award for 'Social innovation'. It's a wonderful recognition of the thousands of hours put in by thousands of people around New Zealand and the Pacific over the last three years, and it's people like you who have spurred the 350 movement on.

However, we've only just scratched the surface of the scale of the movement and the solutions we need. As Martin Luther-King Jnr once said, "the arc of history is long, but it bends toward justice". That's a quote that gives me hope in the face of seemingly insurmountable challenges. And in our patch of history, that arc is as stubborn as anything and only bends a little at a time. That's why 350 needs your continued support and energy as we get set for the 'heavy bending' of the arc of history in the coming years.

We need to double our movement in 2012 to do that bending; to go from 5,000 supporters to 10,000 people on the ground, leading and motivating local and global change, pushing and winning for climate solutions not just on global days of action, but all year round. 350 Aotearoa are now recruiting for the climate. We're rolling out a new organising structure that needs volunteer regional field coordinators to support local 350 groups as they build the movement, pick local climate campaigns and join global solidarity actions.

We'll support these recruits to learn new skills through training retreats and workshops, and also hope you can share your skills with the movement. We need people of all ages leading it, with a hopeful and energetic outlook. We hope to train these regional volunteer co-ordinators with the best skills to become amazing leaders in your region.



Volunteer co-ordinators will be responsible for recruiting and managing a regional 350 group. These groups will focus on raising awareness about 350, and will be self-directed in regards to identifying positive local actions, based on their regions' needs. They will also have the opportunity to be involved in the organising of national 350 campaigns and participate in global acts of solidarity.

Check out the role description at <http://www.350.org.nz/get-involved/volunteer> - if this sounds like something you could do, we need one to two people per region. We'd love to have you involved.

About 350.org

350 Aotearoa is part of an international campaign to unite the world around solutions to climate change. We want to inspire action across communities in New Zealand.

Our focus is on the number 350 - as in 350 parts per million of CO₂ in the atmosphere. If we can't get below that, scientists say, the damage we're already seeing from global warming will continue and accelerate. After three centuries of burning coal, oil, and gas, we're at 392ppm, which is above any levels we've seen in recorded history. To get back to 350, we need a different kind of PPM - a "People Powered Movement" that is made of people like you in every corner of the planet.

Moving away from fossil fuels:

The global fossil fuel infrastructure is a threat to our future everywhere, and a common target for our movement. The continued burning of coal and oil is what will tip climate change into climate catastrophe. Getting off fossil fuels is the number one thing we need to do to get below 350ppm.

Aaron Packard is the 350.org Oceania Co-ordinator

Why New Zealand should join the Aarhus Convention on Public Participation in environmental decision-making

by Duncan Currie

For the people of Tauranga and the Bay of Plenty now living each day with the aftermath of the Rena oil spill, their rights to environmental information, to participate in decision-making about the environment and to get access to justice, are more important than ever.

The Aarhus Convention, now in force more than a decade, is an international treaty which commits governments to guarantee their citizens these rights. The Aarhus Convention goes to the heart of the relationship between people, their governments and the

environment. It addresses government accountability and transparency. It joins environmental and human rights by linking access to information, public participation and justice with environmental protection. It allows members of the public who believe their rights under the Convention have been breached to bring complaints to the international level. It gets its name from the city of Aarhus in Denmark, where in 1998 it was adopted.

Forty-five countries, including the UK and other countries of the European Union, guarantee their public these rights. While so far the Aarhus Convention's parties are forty-five countries in the northern hemisphere, they have expressed their keen wish for countries from other regions to join, and New Zealand can join at any time. Joining would send a signal the world that New Zealand is serious about its environment and about open government and would put New Zealand in the forefront of global environmental protection.

The Aarhus Convention stands on three 'pillars': access to information, public participation and access to justice. Access to information is the first of the pillars. Like the Official Information Act, it gives the public the right to seek information from public authorities. But it also requires authorities to collect and disseminate environmental information of public interest without the need for a specific request.

The second 'pillar' of the Aarhus Convention is public participation. It ensures that the public who may be affected by or are interested in decision-making about an activity have the right to be heard, and to have their



Containers from the Rena: the public should have access to environmental information about the oil spill

views taken into account in decisions affecting the environment, as well as in the development of plans, programmes and policies relating to the environment. It also ensures public participation in the preparation of legislation and regulations.

The third 'pillar' of the Aarhus Convention concerns access to justice about the environment. The access to justice pillar provides the "teeth" of the Convention, ensuring that the public has legal means to seek redress for their environmental concerns, whether through the courts or otherwise, in a way that is fair and equitable and not prohibitively expensive. It enforces the information and the participation pillars of the Convention and strengthens enforcement of domestic environmental law.

In New Zealand, we have recently seen the removal of the Environment Canterbury Commissioners and a consequent push for more dams and irrigation, the threat of mining in conservation land, the revision of the Resource Management Act reducing the public's rights to be heard and the expansion of offshore oil exploration. These events create a slippery slope which needs to be halted, both for the protection of our environment and for our own human rights. Joining the parties to an international treaty which commits our government to be accountable and transparent regarding the environment in the long term, regardless of the outcome of the election, is a great way to ensure this trend is stopped for good.

Duncan Currie is a practising international and environmental lawyer at Globelaw

Photo by Ruth Dugdale

Hook, Line and Blinkers - book review

by Cath Wallace

This new book by Gareth Morgan and Geoff Simmons is subtitled, “Everything Kiwis Never Wanted to Know about Fishing.” It is published by Morgan’s Public Interest Publishing.

Morgan and Simmons background New Zealand’s fisheries management, canvass key fishing issues, portray the debates and draw conclusions. Their two previous books made forays into climate change policy and health policy. Although this new fisheries book is written in their “populist” style, they nevertheless aim to provide relevant information, some theory, and “independent” assessments.

They rate various aspects of New Zealand fisheries management, although this seemed to be impressionistic: there is no apparent methodology, just a “grade” plucked from the air.

The book ranges across a few basics of fisheries ecology and habitats, to some of the human impacts on the oceans, including climate change and ocean acidification, habitat losses, sedimentation and pollution, and what these mean for fishing. Chapter 3 is “a short history of fishing and fishing methods”, describing industrial fishing and some of the theory of harvesting optimization.

Chapter 4 is a history of New Zealand’s fisheries management, outlining particularly the Quota Management System (QMS) and some of the evolution of that system. The operation of the QMS is assessed in chapter 5. Problems of lack of, or unreliable, information, and environmental problems are examined in chapter 6, including the damage from trawling. The authors point to government failures to monitor the performance both of the QMS and its environmental impacts, and suggest that the QMS has been less successful than often is claimed, though they suggest that it has stabilized most stocks. An alert reader may consider its failure to prevent the massive declines of the stocks of the two biggest earners is significant: those of orange roughy and hoki.

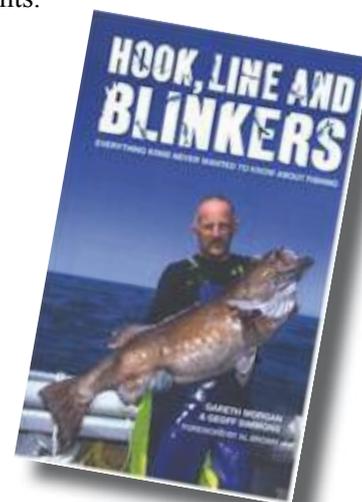
The authors regard marine reserves as important insurance areas, and particularly for the protection of biodiversity. They dismiss marine reserves for fisheries management, but do not canvass the literature that suggests that marine reserves are not only useful but

vital for fisheries management (Ward et al, 2001), and they dismiss the internationally well-accepted notion that 40% of the marine environment should be in no-take reserves simply on the grounds that this “isn’t going to happen” (p158), primarily because they think the fishing nations will not agree. In our own EEZ, New Zealand could decide to adopt the 40% marine reserve idea, which the international scientific community is calling for. Internationally, New Zealand is already under pressure.

Recreational versus commercial fishing disputes are explored in chapter 7 as are the adverse equity impacts of the QMS, with the authors insistent that recreational fishers should submit to catch limits within the QMS, something they resist.

Consumer choice and ability to put pressure on the industry are looked at in chapter 8, and the authors examine the power of supermarkets and the controversial Marine Stewardship Council, whose certification of the New Zealand hoki fishery has become renowned for its flawed process and conclusions. These authors suddenly become forgiving and one senses that the hoki industry has done well with its “soft soap”, when they suggest that “we should probably give the hoki fishery a break” and that the Marine Stewardship Council, despite its conflicts of interest, might be helpful.(p204)

If you read the book, you will indeed get a good feel for many of the issues – but you will also get a highly opinionated and somewhat once-over-lightly account. No doubt in an attempt to give the book a popular and “readable” feel, the style is cavalier, with many summary judgments.



Global Meetings in 2012

When it comes to assessing the consumer guides developed by Forest and Bird and Greenpeace, the authors do not address the technical methodologies used in their development and which are available on line. Instead, they provide their own assessment, but without methodological details, and dismiss the other, documented and peer reviewed assessments such as that of Forest and Bird, as being produced by “squawking environmentalists”. In fact, the environmental group efforts are extensively peer reviewed.

The damage done by commercial fishing, particularly bottom trawling, is acknowledged in the book, as are many other environmental concerns, so most environmentalists will find much to agree with in the book. The authors suggest “freezing the trawl footprint” and setting standards which specify the maximum area of seamounts (and other habitats) we are prepared to have bulldozed by trawlers in the pursuit of fish.” (p157)

The authors fall for some of the industry’s PR false dichotomous choices. The fishing industry has argued that fishing wild fish does less harm than farming red meat. But of course this is not the only choice. Greenhouse gas emissions from fishing are among the fastest growing of those from industries in NZ, and the extension of fishing over the NZ EEZ and beyond is doing new damage to its biodiversity. Granted that dairy farming extension and intensification are damaging to the climate, water quality and often biodiversity, this does not constitute a reason to favour environmentally damaging fishing. Rather it is a reason to reach for a new economy, the low carbon, green economy based on fulfilling needs for quality of life, rather than pursuing an extractivist economic model.

ECO recommends that you read this book if you want to know more about New Zealand’s fisheries management, but be aware that perhaps in an effort to disguise their concern about the environment, the authors are cavalier about environmentalists.

References:

Ward, T, Heinemann, D, and Evans, N (2001) *The Role of Marine Reserves as Fisheries Management Tools: A Review of the Evidence and International Experience*, Bureau of Rural Sciences, Commonwealth of Australia, ISBN: 0 642 47550 4

Rising concern about the need to tackle global environmental and sustainability problems will be discussed at major congresses in 2012. Details of two follow.

Rio+20

Twenty years after the Rio Earth Summit, the Conference Rio +20 will take place in Brazil on 20-22 June 2012 to mark the 20th anniversary of the 1992 United Nations Conference on Environment and Development (UNCED), in Rio de Janeiro, and the 10th anniversary of the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg. Part of the UN system, the Conference is aiming for high level political commitment and reaffirmation of the goals of sustainable development, an assessment of progress and gaps, work to the transition to a green economy in the context of sustainable development, poverty eradication and the institutional framework for sustainable development, including oceans governance. The UN hopes it will result in a focused political document, and a number of preparatory and intersessional conferences have been held, with another planned just prior to Rio+20.

More details and background documents are available at <http://www.uncsd2012.org/rio20/index.php?menu=17>

IUCN 6-15 September 2012

The International Union for the Conservation of Nature meets in Jeju, Korea 6-15 September 2012 for the World Conservation Congress. The 7-11 September Conservation Forum is public and will have experts, governments, non-governmental organisations and multilateral organisations working together on conservation and sustainability knowledge and practice. Climate change solutions based in ecosystem approaches, biodiversity, ecosystem function, and human security are themes. Members of the Union, its six expert commissions, advisors and staff will meet 8-15th September in the IUCN Members’ Business Assembly where policies and the integrated work programme and other matters will be considered.

ECO is a long-standing member of IUCN as are a number of other agencies and organisations in New Zealand. If we can raise the funds for this we will attend the Congress. ECO would be grateful for contributions to this end.

Durban Climate Talks

by Cath Wallace

The Durban Climate talks of the UN Framework Convention on Climate Change (UNFCCC), 17th Conference of the Parties (COP 17) and related meetings were underway as this edition of ECOLink went to press. Critical decisions are needed, but it remains to be seen whether governments will commit to tackle the necessary decision-making process at the meeting 28 November – 9 December, in Durban, South Africa.

Some countries, such as Japan, Russia and Canada, have signalled an unwillingness to enter into a Kyoto style commitment to specific greenhouse gas reductions. The USA, paralysed internally, is also taking a weak position. China has never been keen to be pinned down to targets but may show flexibility. Chinese emissions have grown hugely and are projected to peak in 2030, but per capita they are very low. China is already moving domestically to ramp up renewable energy sources. Signals of unwillingness to engage with the international community on specific reductions are nothing new, but the meeting will be difficult.

Scientists from the Intergovernmental Panel on Climate Change (IPCC) warned the diplomats and others gathered in Durban that tackling climate change is ever more pressing, the evidence for and risk of irreversible changes to the planet and climate is stronger than ever, and that judged by the knowledge of today, the 2007 IPCC report seems to have been very conservative in its predictions of the risks associated with extreme weather events, and actual expected climate and ice destabilization and associated sea level rise and acidification of oceans.

The record of the international community at a governmental level is disappointing, in relation to continuing rising emissions, the relative lack of action to decarbonise economies and the failures of developed countries to provide promised funds to the Climate Fund, and the World Bank's failure to deploy the meagre funds to those developing communities who could use such funds in their adaptation to climate change.

New Zealand, with other countries, signed an agreement at Cancun to develop a low carbon development plan, but has since refused to do so, and instead has an aggressive policy of developing new fossil fuel sources including oil and gas, lignite mining and processing in Southland, the new coal mines on the West Coast, and intensification of methane-producing dairying.

The huge global organisation, the International Union for the Conservation of Nature (IUCN), a body made up of governments and non-governmental organisations supported by six expert global commissions, has called upon “policy-makers to increase climate funding and promote nature-based solutions to climate change”. Among the key issues being discussed at COP 17 are ecosystem-based adaptation to harmful climate change impacts and global implementation of a mechanism for Reducing Emissions from Deforestation and Forest Degradation (REDD). IUCN has submitted several short papers on these issues as a means of charting ways forward.

The Durban meeting will be working through several different themes or “tracks” of negotiations.

Core to the Kyoto Protocol negotiations, chaired by New Zealand's Adrian Macey, is whether either or both developing and developed countries will agree to commitments for emissions reductions. Some developed countries are unhappy with the proposal that only developed countries accept specific emissions reductions targets, given that this would only account for 16% of the global emissions. Developing countries argue that they have a right to develop, have much lower per capita emissions than developed countries and will try to re-gear to lower emissions growth. But they say that it is unfair for the developed countries to expect them to meet particular reduction targets given that most of the stock of greenhouse gas emissions in the environment came from developed countries. Negotiations will revolve around whether developed and developing nations will be treated separately as they were in the Kyoto Protocol, whether there will be targets or just commitments without international accountability, or whether they will simply agree on “bottom up” voluntary actions, which may not provide much incentive for countries to comply.

Text negotiated in previous meetings and further refined but not agreed, is being tackled, but it is an open question as to how much progress is achieved. It is almost inevitable that there will be a gap after the end of the first commitment period of the Kyoto Protocol, which runs from 2008-2012. It is understood that most countries do want a rule-based framework, though some will resist interim measures to fill the gap. Others will push for just that. Each country, including NZ, may well choose to continue with

domestic measures to reduce emissions simply because they may well in future be held accountable for these, even if there is a rules gap initially. Market mechanisms such as prices on carbon and market access penalties for countries now making efforts may apply, and other incentives or bilateral trade sanctions may be considered by individual countries or trading blocs such as the EU.

Land Use and Land Use Change (LULUCF) is another track of the negotiations, one which the NZ plantation industry has had much to say about to our government but has earned opprobrium from many concerned about the fate of old growth forests. Forestry credits have become very important in the NZ government's Kyoto liability and for the industry in NZ. For this reason NZ has pushed for rules to allow deforestation in one place to be offset by afforestation elsewhere – but that scares those who are concerned, for instance, that the felling of old growth forest might be incentivised. Reference levels for forests existing pre 1990 and issues of what to do when forests are destroyed by weather, fire, land slips and the like are also being discussed, as are accounting for carbon in forests, and whether soil carbon should be included.

Agriculture is an area where New Zealand has made much of its convening of research into methane emissions from agriculture with the Global Research Alliance, but New Zealand has actively tried to reduce the force of some of the proposed texts by proposing its own, weaker text. Once again, those countries with market power may simply penalize products made with high greenhouse gas emissions.

Bunker fuels are also a subject of negotiation and both aviation fuel and shipping fuels will be discussed, but some countries are arguing against this forum for discussion as a means of derailing the development of rules.

New Zealand is playing a more positive role in what is known as the Friends of Fossil Fuel Subsidy Reform (FFFSR) but this is focused on direct subsidies. Though constructive in the subsidy reform discussions, in fact New Zealand is itself massively subsidizing fossil fuel and methane emitters through several mechanisms – not that it draws attention to these. The government is subsidizing fossil fuel production via subsidies for seismic research and exploration and by allowing environmental costs and risks that companies

Global Emissions Increase:

The Global Carbon Project has published the new global carbon budget and carbon trend analyses including those for 2010. Key parts of this analysis are:

- Global CO₂ emissions grew 5.9% in 2010 to reach 9.1 GtC (33.5Gt CO₂), overriding a 1.4% decrease in CO₂ emissions in 2009. Including land-use change and deforestation, in 2010, emissions reached 10.0 GtC (36.8 Gt CO₂).
- An update of CO₂ emissions from both production and consumption in individual countries to 2010.
- As of 2009 developing countries now emit more than developed countries in terms of consumption, and China now emits more than the US in terms of consumption.
- Analysis of recent trends in emissions and the fossil fuel intensity of the global economy.
- An update of the key components in the global carbon budget to 2010.
- A comparison of the 2008-2009 Global Financial Crisis with other major economic crises.

The highlights, complete power-point presentation with figures, datasets for download, and other related information are available at:

<http://www.globalcarbonproject.org/carbonbudget/index.htm>

A commentary/correspondence with the major findings has just been published online at nature.com on climate change:

<http://www.nature.com/nclimate/index.html>

impose but do not pay for. It is subsidizing the use of fossil fuels through huge road building programmes and other indirect subsidies which include billions of subsidies under the Emissions Trading Scheme from taxpayers to sectors who are not being required to pay for their emissions, or are allowed 2 tonnes of emissions for each tonne they pay for, and the \$400 million subsidies to irrigation to allow for the intensification of dairy farming.

If there is an agreement, other matters such as the legal form, the institutions, and the level of “ambition”, rules and transparency are critical issues. So too is financing, both the proposed Green Climate Fund and the fast-start fund and countries actually giving what they promise. There are notable shortfalls from promises made in Cancun in 2010.

“Ambition” – or the willingness to robustly tackle the problem, appears to be low, even though the evidence that business as usual is now certain to cause havoc to climate, oceans, communities and the economy is now compelling. One negotiator summed up expectations with “ambition may have to wait for now”. Such lack of ambition will mean several things. The world economy will miss the opportunity to re-gear and to recover, irreversible changes to the planet will occur, many people will die, we will lose species and ecosystems, and the costs of both reducing emissions and enabling adaptation will rise.

Lack of rules and commitments will be a huge problem: the response must thus be from us, the citizens, to use multiple means of changing emissions and helping communities to adapt. This will mean that we the citizens will have to put pressure on governments and change our own ways, but particularly we must engage with local and regional governments and with companies to change their systems and choices. Individual companies, for instance Solid Energy with its plans for highly greenhouse gas emitting mining and processing of lignite, will increasingly be held to account by both the local and the international communities, including consumers in markets. Those who invest in or who market products with high emissions intensity or expansion will be identified and exposed.

Thus, what emerges from the Durban meeting will be of great significance to all the ships of state as they seek to head in a direction that minimizes the risks brought about by human-induced climate change to the future of the planet.

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 Sunday 8 July: AGM/workshops**

Discussion topics (to be confirmed):

- Environmental Responsibility
- Good Governance
- Public Participation
- Rule of Law
- RMA reforms

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PUBLISHED BY ENVIRONMENT
 AND CONSERVATION
 ORGANISATIONS OF NEW ZEALAND

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 Phone/fax 04 385-7545
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 2nd floor, 126 Vivian Street, Wellington
 Website: www.eco.org.nz
 ISSN: 1174-0671
 Printed on 100% Recycled Paper

Editing: Elizabeth Lee
 Layout: Debby Rosin

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