



## Cabinet rejects joint US-NZ proposal to protect Ross Sea

Plans for a marine reserve in the Ross Sea are in trouble after Cabinet's last minute rejection of a draft agreement with the United States on a joint proposal to create the world's biggest marine reserve in Antarctica's Ross Sea.

At the 2011 Antarctic marine management agency (CCAMLR) meeting both the US and NZ put up scenarios for Ross Sea protection. While neither proposal met important conservation concerns, the US proposal protected more of the key slope and shelf elements of the Ross Sea.

In late October the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) will meet in Hobart, Tasmania to debate proposals for Ross Sea protection. The 24 nations (plus the EU) of CCAMLR make decisions by consensus and competing proposals from NZ and the US risk undermining the chance of an agreement.

*"Cabinet's unreasonable rejection of a proposal negotiated between US and NZ officials puts at risk the chances of a Ross Sea marine reserve later this year,"* said Antarctic Ocean Alliance New Zealand coordina-

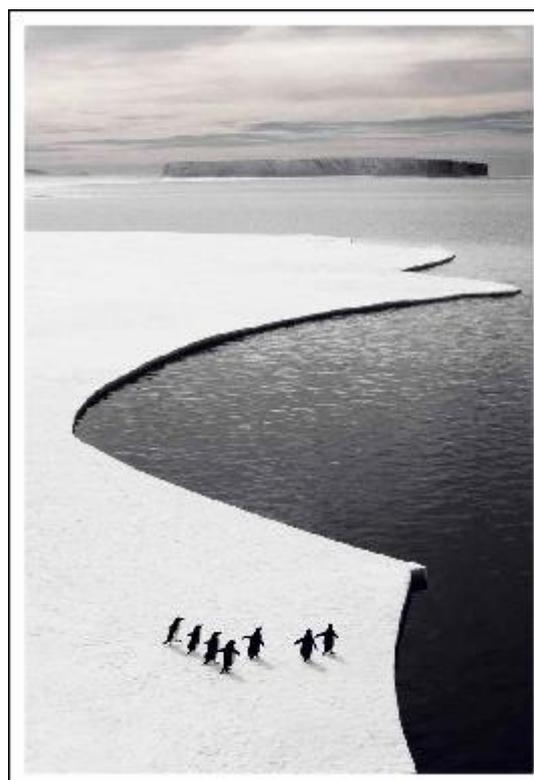


Photo : John Weller

Adelie Penguins, Ross Sea

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tor Geoff Key. The Antarctic Ocean Alliance is made up of 30 organisations including ECO and the Antarctic and Southern Ocean Coalition (ASOC).

*"The Antarctic Ocean Alliance strongly encourages New Zealand and the US to continue to strive towards a joint proposal at CCAMLR in late October, providing an opportunity for real conservation leadership by all participating countries now, while we have a window of opportunity to protect this incredible habitat."*

*"Although the draft US-NZ proposal would have fallen short of what is necessary to protect the world's least impacted marine ecosystem, it would have included important conservation gains and improved on New Zealand's original proposal,"* Key said. *"The failure*

*of Cabinet to agree to back the US-NZ proposal is a slap in the face to the US – one of New Zealand's key Antarctic allies in the region."*

Both the US and NZ have now put up separate proposals for Ross Sea region marine protection. Both miss out key areas but the US proposal protects more of the core Ross Sea.

The AOA have put up an alternative proposal which includes protecting the Ross Sea slope and shelf and key features in the region.

*"Cabinet has handed Foreign Affairs Minister Murray McCully an impossible mission to push a weak marine reserve proposal in the face of United States' opposition,"* according to Keey. *"New Zealand needs to now consider how it will avoid a train wreck at negotiations on Antarctic marine protection at the CCAMLR meeting later this year."*

New Zealand fishers led the charge into the Ross Sea and the New Zealand proposal for protection excludes most of the places where they fish. The New Zealand proposal is stronger than the US proposal in areas away from the Ross Sea and includes protection of Scott Island and associated sea mounts.

The Ross Sea, often referred to as the "Last Ocean" because it is one of the most intact marine environments left on earth, is a critical habitat for Antarctic toothfish. New Zealand and Korea are the predominant nations currently fishing for toothfish in the Ross Sea.

The AOA's research has identified over 40% of the Southern Ocean in 19 habitats that warrants protection in a network of large-scale, no-take marine reserves and marine protected areas (MPAs) based on combining existing marine protected areas, areas identified within previous conservation and planning analyses and including additional key environmental habitats.

For details, see the AOA's Circumpolar Report at: <http://antarcticocean.org/pdf/circum/11241-AOA-Circumpolar-Report-FINAL.pdf>.

More than 80,000 people around the world have joined the AOA's "Watch" of CCAMLR to call for large-scale marine protection for Antarctica. You too can "Join the Watch" at <http://antarcticocean.org/home.php>

## Losing ice to climate change

The warning bells should be ringing for anyone concerned with the impact of climate change on the world's environment with further record changes in the Arctic this northern summer.

Loss of ice in the Arctic Ocean exceeded the previous worst year on record with several weeks to go in the usual melt cycle which ends around mid-September.

This year the Arctic sea ice had by mid-September reduced to *"3.41 million square kilometres. This was 700,000 square kilometres below the previous minimum on September 18, 2007 (4.17 million square kilometres)."*

An additional sign that this was part of a trend, *"Including this year, the six lowest ice extents in the satellite record have occurred in the last six years (2007 to 2012)."*

The rate of ice loss in August was averaging *"about 75,000 square kilometers per day"* which is *"much faster than the normal rate at this time of year of about 40,000 square kilometers per day."*

The loss of Arctic ice will further increase warming as while ice reflects sunlight the open ocean absorbs heat from the sun further increasing the effect of warming.

Greenland has also shown unusual melt activity this year. NASA reported that for several days in July *"Greenland's surface ice cover melted over a larger area than at any time in more than 30 years of satellite observations."*

*"On average in the summer, about half of the surface of Greenland's ice sheet naturally melts... But this year the extent of ice melting at or near the surface jumped dramatically. According to satellite data, an estimated 97 percent of the ice sheet surface thawed at some point in mid-July."* NASA reported.

If all of Greenland's ice sheet were to melt, the global sea level would rise by seven metres. In contrast Arctic ice floats on seawater and has no effect on sea level when it melts.

For further information see:

<http://nsidc.org/arcticseaicenews/> and <http://www.nasa.gov/topics/earth/features/greenland-melt.html>

## Maui Dolphins - strong action needed to eliminate fishing threats

by Barry Weeber

The plight of critically endangered Maui dolphin and endangered Hector's dolphin received international support at the recent World Conservation Congress in Jeju, IUCN.

A resolution promoted by ECO was passed by the IUCN Congress with only the New Zealand Government representative voting against the motion while 576 IUCN members, including governments and NGOs, voted for the motion.

Almost everyone apart from the New Zealand government wanted to see a strong resolution that recognised the threatened status of these special dolphins and porpoises.

The Government has now released for comment a review of the Maui's dolphin portion of the Hector's and Maui's Dolphin Threat Management Plan (TMP). The TMP was originally developed in 2007.

The TMP is long on the problems but weak on the remedies required to move Maui dolphin to a non-threatened state. Rather than putting up proposals to remove the threats to the dolphin within its habitat it is proposing more of the failed incremental policies that have seen the dolphin decline to an estimated 55 adults.

Along with the TMP is a risk assessment, which shows that fishing is 95% of the problem but that there is a greater than 50% chance that deaths from mining and oil activities will exceed the mortality level which will allow the population to rebuild (Potential Biological Removals - PBR).

The IUCN motion called for strong action on fishin including:

- "a. Urgently extend dolphin protection measures, with an emphasis on banning gill net and trawl net use from the shoreline to the 100 meter depth contour in all areas where Hector's and Maui's dolphins are found, including harbours;*
- b. To increase immediately the level of monitoring and enforcement with an emphasis on requiring 100 percent observer coverage on any gill net or trawling vessels allowed to operate in any part of the range of Hector's and Maui's dolphins until such bans can be implemented; and*
- c. To report such action and monitoring and enforcement results"*



*Hectors Dolphins*

*Photo by Bob Zuur*

The risk assessment panel shows why such action is needed.

*"The panel estimated that there were likely to be 5.27 (95% CI: 0.97–8.40) human-induced Maui's dolphin mortalities per annum from all threats. Fishing-related threats accounted for about 95% of total estimated impact compared with 5% from mining and oil activities, vessel traffic, pollution and disease combined."*

Further:

- *"The estimated level of impact on Maui's dolphins is 75.5 (95% CI: 12.4–150.7) times the level of PBR. All classes of threat had a 30% or greater probability of exceeding the PBR in the absence of other threats.*
- *The panellists' estimates indicate a 95.7% likelihood of population decline over the next 5 years, assuming the agreed maximum population growth rate of 1.8% per annum.*
- *Population projections assuming the current rate of human-induced mortality (i.e. as at the time of the workshop and prior to the introduction of interim measures) indicate that the population will decline at 7.6% per annum (95% CI: 13.8% decline to 0.1% increase)."*

The risk assessment shows strong action is needed with both set net and trawl net fisheries.

The report lacks data on individual fisheries (eg. set net at school shark) and depth of effort which would be helpful in any analysis and submissions.

Written submissions on the proposals should be received no later than 5pm Monday 12 November 2012 to Maui's dolphin TMP, P.O Box 5853, Wellington 6011 or emailed to both MauiTMP@mpi.govt.nz and MauiTMP@doc.govt.nz

## A new spring from the aquifer of Māori interests

by Betsan Martin

Māori challenges regarding water are most of all a call to look at our values, and how we respect, use and safeguard water. The Ngati Rangi presentation at the Waitangi Tribunal hearing stated that Water is Life, and went on to say that we depend on water for life, both physically and spiritually. When water is sick, people are sick. Water is a living entity with its own life force.

Water from the ground, from mountains and springs and aquifers has life-giving qualities of nourishment and replenishment that sustain us with fluids as well as with minerals and trace elements from the earth and has attributes some yet unknown to us. Many of us would join with Māori in understanding the need to 'preside over water with care, nurture and loving intentions for the spiritual and cultural wellbeing' of this resource.

Why is the Waitangi Tribunal claim proceeding? Māori interests in water are protected in the Treaty of Waitangi under provisions for tino rangatiratanga over taonga, or authority over tribal lands, resources and cultural attributes. The government plan to sell state assets in which Māori have interests, specifically water and geothermal resources, means that Māori will no longer be able to seek recognition of their interests. This is because shares will pass to private owners of shares in the asset. The government has Treaty obligations whereas private shareholders do not.

Tribal relationships with water are a matter of identity and genealogical relationships. Whakapapa includes relationships with water bodies; during mihi, or greetings, the identification of any person includes the river which flows through their tribal lands. Water therefore is a non-transferable resource. This is not a commodified interest. Māori claimants are identifying their responsibility to protect, relate to, govern, manage and use water and the habitats and lands adjacent to water. Water is a taonga, and tangata whenua interests in water are governed through kaitiakitanga, which is a system of stewardship or guardianship over waterways which cannot be relinquished.

Here we have a system which is incompatible with Pakeha law and systems of ownership and property. At the Tribunal hearing one of the lines of questioning was, 'does the sale of a power station involve the sale of water?' It also followed the argument that without water the power station is of no value, so if Māori have



*Tongariro River*

*Photo: Barry Weeber*

a proprietary interest in water, and will not allow it to be sold, then of what value is the asset?

A strong point of contention is that although the Prime Minister says water cannot be owned, the government does have the right to make decisions about allocation and consents, which are property rights. These are limited rights for a limited time, and the effect is that they are exclusive rights while they operate. The consent means that no one else can have the use of the same resource during the period of the consent. Māori interests in water and cultural responsibilities cannot be exercised while these allocations and consents are in place.

Māori are not of one mind. In the media criticisms have surfaced about Māori interests in buying shares in the asset. There have been accusations of Māori opportunistic commercial interests – with the finger pointed to the Iwi Leaders Forum. Yet, it was asked, why would Māori buy shares in an asset they already own?

As the Tribunal presentations unfolded it became clear that the NZ Māori Council Claim will create uncertainty over the power company asset. Uncertainty affects company values negatively and it has been confirmed that this will be detrimental to the proposed sale of 49% of the shares in Mighty River Power.

All this adds a further dimension to the 'keep our assets' campaign and the petition to stop the sale of assets currently being circulated. There were several submissions from economists at the Tribunal hearing. The analysis from Berl is that the proposed sale will

not yield the net benefit that National has forecast. The loss of revenue from owning the assets will outweigh the effect of debt repayment through the sales.

What are Māori asking for? First of all, a delay in the asset sale so that Māori proprietary interests in water can be clarified. This may take its course through the Court of Appeal and the Supreme Court. At the Tribunal hearing suggestions were made for a statutory body for Māori interests in waterways, a means of giving effect to hapū interests, and possibly for a law to implement kaitiakitanga.

Comparisons are being made to the Foreshore and Seabed discussion, with the response that this is more far reaching. Whereas the Foreshore and Seabed legislation denied Māori the right to go to court to have their interests determined, the claim to fresh water is based on the unextinguished protection of taonga in Te Tiriti o Waitangi. If ‘tino rangatiratanga’ over water is denied this will be a contemporary confiscation.

There is a danger that Māori interests have to be justified through common law definitions about property. Kaitiakitanga responsibilities and ancestral relationships with water cannot be confined to notions of property rights.

The Treaty of Waitangi binds us in a common destiny as peoples of Aotearoa. It offers a promise of mutual respect and a relationship of trust. We look to the Tribunal to reconcile Māori alienation of their taonga, including lands, aquifers and geothermal resources. This claim to water is putting before us custodial understanding of the gifts of nature for life. In the broader picture, Treaty agreements and responsibilities challenge us to address the growing disproportion of Māori unemployment, educational qualification rates and children growing up in single parent families.

Regarding water, no doubt many non-Māori strongly applaud the approach presented by tangata whenua/ Māori to the Tribunal – but our systems of governance are worlds apart. We can express support for the guardianship of water, by writing to the Tribunal or other public fora.

The Tribunal website address is:  
<http://www.waitangi-tribunal.govt.nz/>

## Legislation before Parliament

### ***Crown Minerals (Permitting and Crown Land) Bill:***

This Bill should be referred to as the Crown Minerals (Undermine Conservation Land and Minister of Conservation) Bill. It adds a new Purpose to the Act to “promote prospecting for, exploration for, and mining of Crown owned minerals”. It adds the Minister of Energy to decisions on access agreements to Conservation Land and replaces the Minister of Conservation with Cabinet for protection status decisions under the Conservation Act 1987, the Continental Shelf Act 1964, the Reserves Act 1977, and the Wildlife Act 1953. Submissions close 2 November with the Commerce Select Committee, Parliament, Wellington.

### ***Marine Legislation Bill:***

This bill amends the Maritime Transport Act 1994 and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. The Bill enables the ratification of a number of important international agreements which should have been ratified years before the Rena disaster. Submissions close 12 October with the Transport and Industrial Relations Committee.

### ***Resource Management (Restricted Duration of Certain Discharge and Coastal Permits) Amendment Bill:***

This Private Member’s Bill proposes a 5 year limit on the “exceptional circumstances provisions on section 107 of the RMA, relating to granting discharge permits and coastal permits.” Submissions close 29 November with the Local Government and Environment Select Committee.

### ***Environment Canterbury (Temporary Commissioners and Improved Water Management) Amendment Bill:***

This bill continues the non-election to Canterbury Regional Council’s and special water management decision-making powers in the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2012. Submissions close 23 October with the Local Government and Environment Select Committee.

### ***Land Transport Management Amendment Bill:***

This bill amends the Land Transport Management Act 2003 to reduce the planning and funding framework and repeal the Act’s regional fuel tax provisions. Submissions close 26 October with the Transport and Industrial Relations Committee.

Further information is on the ECO website.

## Re-designing for the future: the case for Avon River Park

The Avon-Otakaro Network (AvON) vision calls for red-zoned areas on the banks of Christchurch's Avon River to be turned into a multi-purpose reserve for the benefit of the people. The Avon River Park would create a reserve corridor from the city to the sea as an alternative to pursuing remediation and redevelopment of riverside land for residential housing in the future. The area involved is steeped in historical and cultural significance and boasts a variety of natural environments, some of which give rise to its undeniable status as a natural hazard zone. All these factors point to the sense behind the AvON objective as an option befitting the future use of this land. This is a rare but real opportunity to achieve multiple benefits through the co-location of much needed community facilities compatible with the environment.

The AvON vision is shared by many and yet will need the backing of central government to succeed. In an initial show of support, more than 18,500 people signed the AvON petition to Parliament to pledge their support for the vision. In the next stage, organisations around the country are being asked to show their support by becoming signatories to the AvON Charter. The Charter sets out the vision and outlines the objectives for creating an asset for the benefit of all New Zealanders. All organisations who would like to support the people of Christchurch achieve this vision are invited to join the Avon Otakaro Network by becoming signatories.

As a network, the AvON group is now expanding and the network itself is an open invitation for projects compatible with the Avon River Park vision to collaborate and create something special. In addition to confirming the level of support for the vision, people and organisations within the network are developing projects to put the vision in action. A series of Reference Groups also exists to help facilitate the formation of new projects as well as synergies between existing projects, all of which have the potential to add value to the concept of a River Park.

Already the concept is meeting its mark with many projects contributing to the vision coming forward. These include ideas for temporary facilities providing benefit to the community such as community gardens and landscapes, and much needed areas for sport and recreation. As valid alternatives to a large land management problem should the area be left vacant,



*Petition handed over to Christchurch MPs Lianne Dalziel and Eugenie Sage at Parliament in May 2012*

many see these concepts as obvious win-wins for the government and community alike. In addition, others are working on the potential location of significant future community assets within the River Park area. Although there will certainly be many more ideas to come forward, some of those already up for consideration include the Lower Avon Heritage Recovery Trail, a flat-water sports venue, an eco-sanctuary, and the use of red-zone land for stormwater and flood mitigation facilities.

Even before we consider the sense of pursuing highly engineered solutions for protection from inevitable natural hazards, a land use solution more compatible with nature and which celebrates the abundant natural and cultural assets of the area may well pay off in the long term. A back-of-the-envelope calculation certainly indicates that the Avon River Park vision can generate more value for the community than a residential development, which for the sake of housing might be better situated elsewhere. Nonetheless, the costs and benefits of all potential elements of an Avon River Park are important, and this is a line of work that has just begun. The hope is that slowly, but surely, an optimal land use providing many benefits will emerge to breathe life and prosperity back into the community for years to come.

### **To support the Avon River Park:**

The AvON Charter and an Endorsement form for supporting organisations are available at [www.avon.org.nz](http://www.avon.org.nz). All people and organisations interested in contributing to the Avon-Otakaro Network are also invited to make contact at [avonotakaro@gmail.com](mailto:avonotakaro@gmail.com)

## The Value of Water : Asset Sales and Power prices ahead

by Betsan Martin

It is important to understand the implications of State Asset Sales, in particular Mighty River Power, in terms of stewardship and the likely energy hardship for households.

Selling assets to pay off debt seems sensible. We are all advised to reduce debt. In the case of assets, selling will mean that we lose the income from the business.

New information has come to light regarding the effect of power company sales on power prices.

Let's look at some of the details to understand how this works. It involves touching on electricity regulation, pricing for profits and the likely effects on power bills for domestic users: families and households.

### How is power priced?

The first point to highlight: assets have to be attractive for investors, and this means providing assurance of profits – with minimum uncertainty.

The second concerns changes to the Electricity Regulations. In 2010, the requirements for fairness and sustainability were removed from the Electricity Regulations, and so was the role of the Minister to decide what is fair and sustainable. Now that the Minister cannot even consider controlling prices, or other fairness issues, industry has no restraint on maximising profits. There is no recourse to a government representative to appeal for a fair go. There are requirements to protect vulnerable 'consumers' through giving notice before disconnection. For those who can't pay their bills, power companies are expected to refer customers to Family Budgeting, or WINZ, and to offer options such as smooth-pay. None of these processes alleviate the price of power.

The essence of these changes is to remove the concept of electricity supply as an 'essential service'. In interpreting the Act, the regulator explicitly stated it was to protect investors, not consumers, and that electricity development should contribute to economic growth instead of minimising prices.



Atiamuri Power Station - run by Mighty River Power

Another aspect of pricing has come to light, which can be seen on the graph below. You will see that since the start of market pricing the price of household power has gone up while commercial and industrial prices have gone down or stayed steady.

This year has seen a break in the trend – average residential prices fell a little. The fall is due to quite large discounts offered to consumers who pay online, a service not available to consumers in hardship, or in some rural areas. Discounts are much bigger for industrial consumers.

Rio Tinto, which owns the Bluff Smelter, is demanding even bigger discounts for its electricity, already the cheapest in New Zealand.

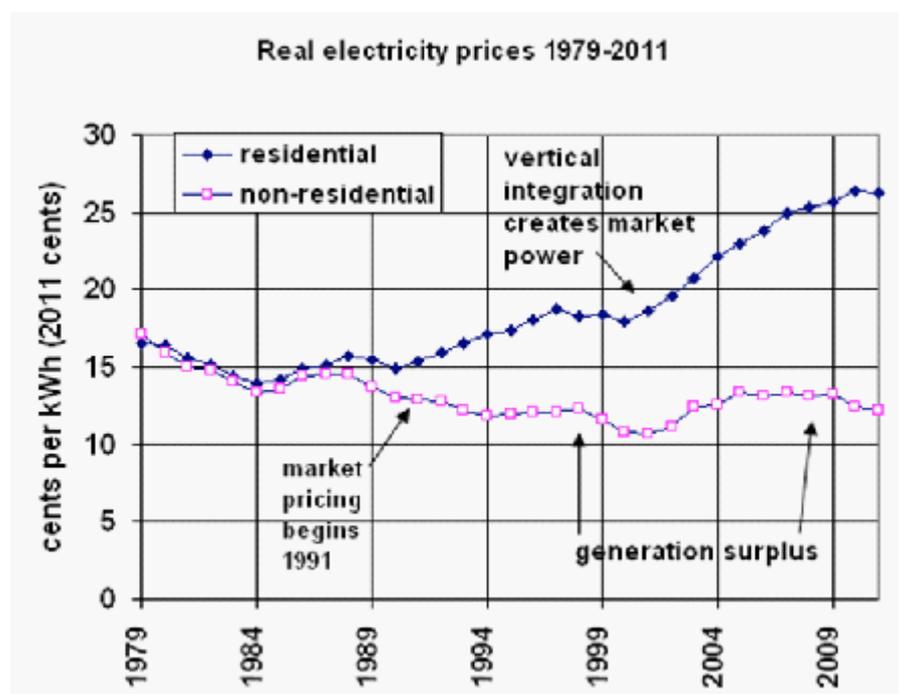


Photo: Barry Weeber

This break in the price rises is due partly to a temporary glut in electricity supply, and partly to industry's efforts to smooth the way into a pure free market. Both these happened in 1998-2000, and the benefit proved short-lived.

All the taking of water for power and for profit is free. Companies do not pay for their use of water. There have been no payments to Māori owners. Some power companies pay compensation to Māori for water consents, but Māori view this as a compromise, not a settlement in recognition of Māori traditional authority over water.

The removal of provisions for fair pricing to ensure that electricity is affordable takes us into the arena of trade agreements. Trade agreements prevent parties from lowering domestic prices because this interferes with company profits and shareholder interests. The last issue of ECOLink has already given an alert to the TPPA and the way this will further undermine New Zealand's ability to control prices and ensure access to the necessities of life such as food, medicines, health services, power, and possibly education. Trade agreements mean that governments can't make markets fairer because they will be sued by international companies for undermining profit.

### **Do you want to know more?**

Vulnerable families are doubly disadvantaged by the pricing system. Pre-pay costs up to 50% more per kilowatt hour than power paid for through the billing system. And some companies give 10-22% reduction to those paying through automatic payment.

Poor families typically get less than half the useful energy for the energy dollar compared to well-off families.

New Zealand is already producing more power than needed. This information about our energy surplus has only just been publicly recognised - until very recently it had been denied. In market terms, this electricity glut should bring the price of power down. We cannot justify new dams and further power generation in New Zealand, so we are using the profits to invest in power generation in the United States or Chile. Our prices are rising to support overseas investment!



Photo: Barry Weber

*Huka Falls, which feeds into the Waikato*

### **What are the likely impacts of the sale of Mighty River Power?**

- Fuel poverty
- Food prices will rise from increased costs of food production.
- Rates could rise because local councils are big users of electricity as providers of utilities such as water and transport
- Houses should be kept at 12–15° C. Colder houses mean more chest infections and joint inflammations. There is much more risk of heart, stroke and respiratory diseases. Older people are much more vulnerable.

Māori whanau and Pasifika communities will bear greater impacts because of the rates of poverty. Over the last four years Māori family incomes fell to a median of \$460 per week, and Pasifika families to \$390 per week. European family income rose to \$590 per week.

Asset sales are not what they seem – to reduce debt. They are about profits to investors from power at the expense of households. The result will be high costs of power and energy hardship for low income people. Elderly people will be at risk. Although we are highly dependent on power, 23% of families who are already in poverty will have harsher hardship from escalating power prices.

### **We ask:**

What does this say about ensuring well-being? Is it responsible to interpret sustainability as maximising profit? What does stewardship of power resources mean?

## ***One side of the Coin: The Price of Power***

### **Hardship for families**

Asset sales will make the price of power go up. The sales will not reduce debt; they will produce high electricity prices. Energy hardship lies ahead for families and householders.

Inequality will increase between those who can afford power and those with very limited ability to pay for it. Energy hardship effects include:

- Health – cold houses can even kill people.
- Food – many people pay their power bills before buying healthy food
- Access to internet with exclusion from information
- Likely increase in rates from higher power costs for Councils.

### **Benefits to Investors**

The price of electricity used to be guided by what is fair and sustainable. In 2010 this was taken out of the regulations.

Now the priority for power generation is no longer to provide an essential service; it is for commercial gain and to drive economic growth.

Asset sales are about giving the best deal to investors. People buy shares in power companies for profit so the main purpose of power companies is profit.

### ***The other side of the coin: Māori interests.***

The Waitangi Tribunal claim for Māori interests in water reminds us that water, as a *tāonga*, was guaranteed to Māori. If Mighty River Power is sold Māori will not be able to pursue their claim against private investors. The Treaty agreement involves only the Crown as a Treaty partner.

Ownership of water is a murky mess. The Prime Minister and government say that water cannot be owned, yet they allocate the use of water. This means those who have an allocation effectively own the water they are allowed to take and use.

Māori interests for *kaitiakitanga* are for care and protection of water environments, and to oversee its use for the benefit of people now and in the future. Clearly some Māori interests are commercial and include the prospect of buying power assets.

Māori interests extend to the spiritual values of water, surely a value shared by *Pasefika*. Many *Pākehā* pay tribute to the spiritual values of water – even though from a different world view.

### **A Stewardship Approach**

If we took a stewardship stance, we could shift from argument about the right to own, to the responsibility to care for and use so that future generations are assured of access to water.

The sale of Mighty River Power should be halted until Māori interests are settled.

### **Questions about Stewardship and Profit**

How much responsibility is there from governments and companies to provide electricity as a service, and at a fair price?

Does stewardship apply to the commitment of companies to make profits?

How can we contribute to stewardship of water resources and sustainable power generation?

If water is part of property, including Māori property, are power companies entitled to have water free of charge?

### **ACTIONS**

- Sign the ‘Keep Our Asssets’ petition [www.keepourassets.org.nz](http://www.keepourassets.org.nz)
- Join up with others who want to keep power prices fair, and who want to stop the sale of energy assets
- Consider switching away from Mercury Energy – which is owned by Mighty River Power.
- Write to your MP
- For a guide on writing a letter see: <http://www.eco.org.nz/get-involved/have-your-say.html>

## Rio+20 and what happens next

by Diana Shand

Two ECO Executive members; Diana Shand and Betsan Martin attended the Rio+20 UN Conference on Sustainable Development. Over the next two pages they report on the conference and its outcomes.

ECO has been much involved in Rio+20 ([www.uncsd2012.org/](http://www.uncsd2012.org/)) preparations in New Zealand. Diana Shand chairs the NZ NGO (non-government organisations) Rio+20 Platform and Betsan Martin is on the Working Group which has held regular meetings with MFAT (Ministry of Foreign Affairs and Trade). So what happened at Rio?

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Twenty years ago I was a NGO member of the New Zealand Delegation to UNCED (United Nations Conference on Environment and Development) which hosted the signing of the FCCC (Framework Convention on Climate Change) and Convention on Biological Biodiversity, and produced Agenda 21 and the Rio Declaration with its key principles which have since guided the world in sustainable development. Rio+10 in Johannesburg took us further – so it might be expected that Rio+20 would make another significant contribution towards *The Future We Want* (the Rio+20 Outcomes Document).

I attended Rio+20 as part of the international IUCN delegation (ECO is one of nine IUCN New Zealand members). IUCN has been active in ensuring that scientific and conservation realities anchor the document. They identified “nature-based solutions” as crucial to addressing so many issues and linkages e.g. protection of biodiversity, ocean ecosystems, and the human right to water and sanitation are essential to food security and addressing poverty.

Around 50,000 people attended Rio+20 which was held over 5 different venues, often hours apart. Days of negotiating over the outcomes text ended with the World Leaders sign-off at the Summit. This text had input from State parties and Major Groups as well as the UN Secretary General’s High Level Panel and the Sustainable Development Dialogues which garnered opinions from over a million voters from around the world. This was a new approach to participation using electronic voting. The final document needed agreement of 193 states, so consensus and commitment to the text proved very difficult. In the end it was a document lacking in ambition, urgency and political will.

Some of the most disturbing omissions were the lack of mention of planetary boundaries, tipping points and earth’s carrying capacity, rights to food, water and health and sexual and reproductive rights. But at least there was reconfirmation of past commitments and a focus on oceans, albeit as part of the Blue Economy. Over 700 commitments were made to Sustainable Development activities. And there were some important new partnerships and alliances with the Global Compact, Natural Capital Declaration and partnerships such as Avoided De-Forestation bringing business and industry into a whole new set of things to focus on.

New Zealand took a lead on oceans and ending perverse subsidies for fossil fuels (worth some \$630 billion globally), and on fishing and agriculture, but with mixed success. Recommitment to existing commitments was the general tenor of outcomes.

So Rio+20 was not without real value, sometimes in unexpected places. Eleven major parallel events and a myriad of side events saw many sectors, from global judiciary and environmental lawyers to alliances of cities and local governments, dissecting the meaning of sustainable development and what could and should be their part and contribution.

In particular, we should watch the universal inter-governmental High Level Political Forum which is to replace the Commission for Sustainable Development, and the UN led process to propose Sustainable Development Goals (SDGs) to build on and continue Millenium Development Goal’s (MDGs) after 2015. There is also the work on better indicators of progress to complement GDP (something that is a UN programme but also an existing area in our own Treasury and Department of Statistics). The recognition of the need for broad public participation, access to information, and judicial and administrative hearings is fertile ground for getting New Zealand to adopt best practice promoted by the Aarhus Convention.

### ***For further information:***

The NZ Rio+20 page: [www.angoa.org.nz](http://www.angoa.org.nz)

Join the Rio+20 Google group

An excellent summary and analysis: [http://www.iucn.org/news\\_homepage/events/iucn\\_\\_rio\\_\\_20/](http://www.iucn.org/news_homepage/events/iucn__rio__20/)

## Who are negotiators for the planet?

by Betsan Martin

The Rio conference showed that 193 governments were unable to commit to sustainable development, although the conference gave the leaders an opportunity to sketch a road map to transition to a green economy, eradicate extreme poverty, and establish a coherent international system with accountability. The Rio outcome document is replete with statements of affirmation and support for sustainable development, but the extreme caution with which it approaches commitment reveals a lack of political will and little sense of urgency. The final text reveals markedly the divide between developed and developing countries during negotiations.

The New Zealand NGO Rio+20 group asked our government to push for commitments to measures of sustainability (as alternative to GDP). We also proposed that the Rio conference would adopt a Framework of Responsibility. Why?

Growing global interdependence means that all nations need to work together to address the environmental, financial and economic crises that we presently face. This requires accountability at national and international levels. As we grow closer together, forming a global community with a shared destiny, we need a common ethical basis with a sense of responsibility being the most fundamental of values.

As global interdependence grows, so does the reach of responsibilities. The survival of Small Island States and low lying countries like Bangladesh depends on the big economies reversing their greenhouse gas emissions. How can such change be assured? Can there be recourse to justice for climate crimes? As we overuse scarce resources and exacerbate inequality we have the prelude to conflict.

Solidarity between local governments internationally, and between International NGO's serves as a model for negotiating across borders for common interests – Christian World Service, Oxfam, the Oceans Coalition, Antarctic Ocean Alliance, and Médecins Sans Frontières are examples of such groups.

At Rio, the New Zealand government delegation championed Oceans as one of the main themes along with water, forests, transport and food security. Minister for Environment Amy Adams said we are doing this because of our position in the Pacific and because of our development interests in the region. The Oceans



*New Zealand Briefing at the Rio+20 Conference*

sections have important provisions: to implement UNCLOS – the international framework for managing oceans beyond national boundaries; and to stop unregulated fishing.

Sustainable development and poverty reduction (through economic development) are themes in New Zealand Aid policy, yet we have no commitments to either at home. Currently the Local Government Amendment Bill is removing the clauses on sustainable development and the four wellbeings (social, cultural, environmental, economic) from the Local Government Act. The proposed sale of state assets, in particular Mighty River Power is a threatened confiscation of Maori Treaty rights in water. Bringing agriculture into the Emissions Trading Scheme is being deferred. Public participation and involvement in decision-making is being eroded, notably in Christchurch.

### What comes after Rio?

It is time for all of us, in public and private spheres, to account for actions to the global community. New Zealand NGO's want measures for sustainability to be established so that social equity and our use of natural resources is measured in our national accounts.

We can push for participatory processes. We can set up trade based on sustainable production and consumption. We need to save on energy and natural resources and encourage and expand dignified work. Colombia, Sweden and Bhutan are examples of countries with positive incentives through taxation and wellbeing policies.

We are pushing for a debate on Rio+20 in Parliament and seeing whether some turn towards sustainable development can be elicited from governments present and future.

## ECO Conference - Local and Global Environmental Responsibility

Questions of environmental responsibility, from both a global and a local perspective, were the themes of ECO's annual conference held in Wellington in early July. Panels of experts discussed issues of leadership, due process and good governance in policy and democratic process. These issues and examples of them related to the larger international framework of new thinking and developments in environmental responsibility and international law.



*Some of the attendees at the 2012 ECO Conference*

The conference opened on Friday morning with a Mihi Whakatau from Morrie Love, Te Atiawa. The first session discussed international developments in environmental responsibility and law with Dr Catherine Iorns Magallanes from Victoria University and Duncan Currie of Globelaw presenting. Dr Iorns Magallanes talked about environmental responsibility and the law in New Zealand while Duncan Currie focused on the new thinking and international developments in environmental responsibility in the Aarhus Convention. This convention sets an international standard for public participation and engagement.

ECO Executive members Diana Shand (IUCN) and Betsan Martin (RESPONSE Trust) had just returned from the Rio+20 Conference and were able to follow on with their first hand reflections on new and emerging challenges as well as the lack of ambition, urgency and political will that was part of this UN Conference. They emphasised the need to move from information to action, to call for alternatives to GDP in relation to bio physical limits and planetary boundaries and for greater coordination in the environmental movement to create impact.

The afternoon session focused on the NZ context with Professor Margaret Wilson opening the session on Due Process in Policy and Law and defining due process in a public policy context with examples of the current disregard for proper process. There was discussion around NZ's constitutional context and current reforms and the influence of ideology in the interpretation of due process.

Professor Wilson emphasised the *"need to rethink the neo-liberal corporate model as applied to the public sector.....and the need for a constitutional recognition of due process in public decision making at all levels."*  
ECOlink October 2012

Kapiti Mayor, Jenny Rowan, discussed the erosion of local democracy and Local Government Act Reforms; *"Grass roots democracy needs to be seen as a benefit to our way of life and not a cost: this is a real challenge for all of us. At issue is the priority we are prepared to give to local democracy and community engagement-compared to efficiency."*

Claudia Geiringer discussed the use of urgency in Parliament by governments particularly where legislation did not go to Select Committees. Since 2008 there has been a large jump in legislation that avoided Select Committee scrutiny, meaning public submissions were not called for.

ECO Co-Chair Cath Wallace talked about civil society in policy and process. She discussed the reasons why public participation was important for democracy and the check and balances on power. The Resource Management Act was one important vehicle for democratic engagement. She noted the failures of the Ministry for the Environment to engage with civil society and engage only with business groups in the drafting of regulations on EEZ and the Continental Shelf and in the Forestry National Standards. She said the democratic norms of engagement appear to have been lost by this Government and Government agencies.

On Friday evening conference attendees were served up a delicious dessert created by young members of Generation Zero ([www.generationzero.org.nz](http://www.generationzero.org.nz)). This was followed by a presentation on The Last Ocean by Geoff Keey of the Antarctic Ocean Alliance and Peter Young, a Christchurch-based documentary film-maker. The presentation included research data, images and short clips from the film which has now been shown in several cities around New Zealand as part of the International Film Festival.

On Saturday, issues on environmental responsibility and the treaty, and resource management were discussed. Morrie Love facilitated a session on WAI 262 and themes from the associated report *Te Aotearoa Tenei* from the Waitangi Tribunal.

John Hassan from Chapman Tripp reviewed the current Resource Management changes and the proposals for section 6 and 7 in ensuring environmental outcomes. He also talked about some of the proposal of the Land and Water Forum and their implications for resource law.

Maree Baker-Galloway from Anderson-Lloyd looked at inclusive and due process in decision making. She said due process included a fundamental principle of fairness which was missing in the decisions to change Environment Canterbury. This included: axing of the elected representation on the regional council; limiting the scope of wild and scenic rivers legislation in Canterbury; and changes in managing water in Canterbury.

She also raised concerns over the failures in the Conservation legislation concession provisions which was grappling with large projects with limited process and appeal rights.

ECO Co-Chair, Barry Weeber discussed the Land and Water Forum. He said the process had been difficult for ECO in being part of the Plenary but that there had been some changes recently. LAWF proposals needed to be seen as a package which included: management by regional councils with appointment from Government; complex process of avoiding the Environment Court via a collaborative approach to producing water plans at a regional level; National Strategy engagement; and national policy and standards.

In the afternoon there was a discussion on the current issues in resource management including the EEZ and Continental Shelf Act. Cath Wallace discussed the Crown Minerals regime and the changes proposed by Government. She noted that many of the changes involved introduction of tier system which would divide small and large scale miners.

On Saturday evening ECO celebrated 40 years as an organisation and participants collaborated in adding to a long scroll of paper listing ECO's activities, events and campaigns over the past 40 years. Radio interviews from the 70's were played and past members

of the ECO Executive and others involved in ECO's campaigns shared their memories of events over the 40 years that ECO has been active.

On Sunday morning, to honour departed environmentalists and conservationists, a memorial tree planting event was held at the Environmentalist Memorial Garden in the Botanic Gardens. Trees were planted for: epidemiologist and former ECO Chair, Dr Ian Prior; Kevin Smith (formerly from Forest and Bird); Christchurch's Neil Cherry, and Marion Henderson of Wellington. Also remembered was Ray Weeber, a long time ECO supporter and former ECO Executive member.

Two workshops were held concurrently on the Sunday, one on the campaign to protect the Ross Sea and Southern Ocean and one on community data mapping tools. The Ross Sea campaign workshop was facilitated by Geoff Keey, of the Antarctic Ocean Alliance. Participants were informed of the issues affecting the Ross Sea, and were asked to contribute ideas on how to raise awareness and mobilise others into helping with the campaign.

The community data mapping workshop taught participants how to use web-based tools and data for recording and mapping geographic environmental information to nationally useful standards, and was presented by Elise Smith of ECO. This workshop is setting the groundwork for a project that ECO will be running over the next two years. The tools used in this workshop are now available on the ECO website.

Representatives from local groups and ECO member groups gave talks on what their group has been involved in over the past year. Tim Jones at Coal Action Network talked about their current campaign, and Robina McCurdy on the projects and workshops run by Earthcare Aotearoa, a community environmental education group based in Nelson. Sustainable Whanganui gave an excellent presentation on their activities in the local community, such as school gardens. We heard from Paul Bruce from Appropriate Technology for Living Association, Maiki Marks from Bay of Islands Coastal Watchdog, and also updates from Baywatch Hawkes Bay, Gecko, RESPONSE, Environmental Futures, Guardians of Pauatahanui Inlet, and Greenpeace.

Further information and presentations can be found on the ECO website.

## Film Review - The Last Ocean

by Debby Rosin

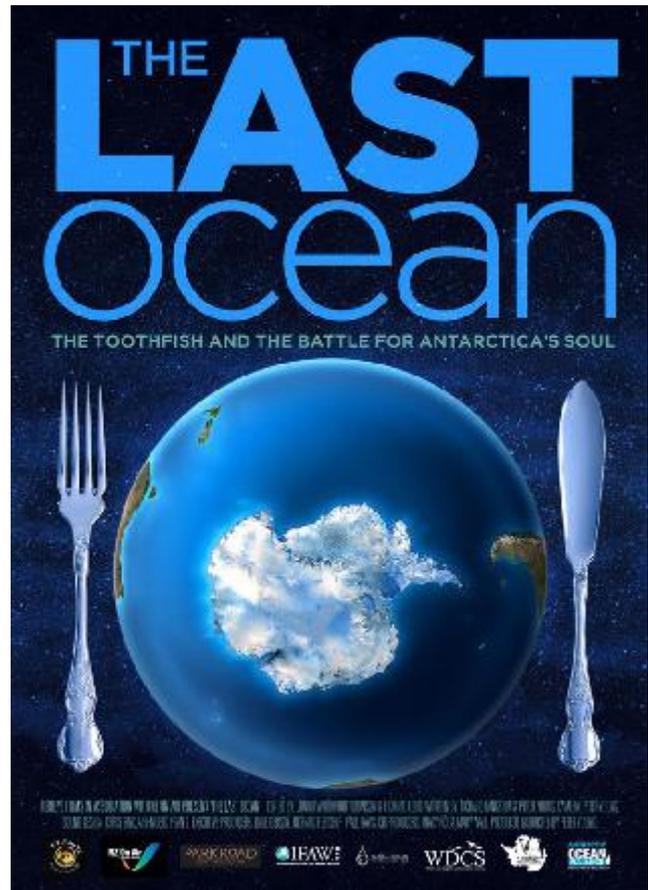
Most people haven't have heard of the Ross Sea, found several thousand miles south of New Zealand, in Antarctica's oceans, and even if they do know where it is, they may not know of the issues that are affecting this part of the southern ocean.

The Last Ocean is a documentary six years in the making, although the research behind the film's message has been going on for over 40 years. The film opens with a lone penguin hurrying across a vast expanse of ice, then the scene switches to a busy New York City street where passers-by are asked if they know where the Ross Sea is. "Is that the West Side, East Side of New York City?" one man replies. The Ross Sea is the southern-most ocean in the world and is known, by those who have researched the world's oceans, as the most pristine marine ecosystem on the planet.

Documentary film-maker Peter Young travelled to the Ross Sea and spent three weeks filming the wildlife, the people who work there, and the human threat affecting the area: the Antarctic longline toothfish industry which makes up less than 2% of the income of the total fishing industry in New Zealand. In 1996 New Zealand opened up the fishery in the Ross Sea for the toothfish, also known overseas in fancy high-end restaurants as 'Chilean Sea Bass'. Strange that a country known for its clean green image would do something as destructive as being part of a fishery that takes 50% of a fish stock, a level that has a significant impact on the ecosystem and other species in the area, such as the Weddell seal, a unique species of orca, emperor and Adelie penguins, and other seabirds.

Little is known about the Antarctic toothfish: its lifecycle, breeding habits or the impact the fishery is having on its numbers. Scientists working in Antarctica however, have found that in their catch and release research programme, they were catching fewer and fewer toothfish each year in the McMurdo Sound.

For the documentary, Peter Young worked with nature photographer John Weller, as well as interviewing divers, scientists, activists and government officials from around the world, who are all involved with or concerned by the fishing activities. One of the scientists interviewed was US Ecologist Dr David Ainley, who has spent more than 40 years studying the Ross Sea ecosystem and describes it as a 'living laboratory'.



The campaign to raise awareness about the plight of the Ross Sea aims to get viewers to write to the Minister of Foreign Affairs, Murray McCully, and ask him to support the protection of the Ross Sea ecosystem by endorsing the establishment of a comprehensive no take Marine Protected Area that includes the entire Ross Sea continental shelf and slope. The Commission for Conservation of Antarctic Marine Living Resources (CCAMLR) is responsible for the conservation of Antarctic marine ecosystems and will be holding a meeting in October this year in Hobart, Australia.

The aim of The Last Ocean is to raise enough public and political pressure to swing CCAMLR member nations, starting with New Zealand, from a position of supporting commercial fishing to supporting full protection of the Ross Sea ecosystem as part of their commitment to designating a network of MPAs by the end of 2012.

More information on the campaign can be found here: <http://www.lastocean.org/>



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**Groups - Join ECO:**

- Please send information on becoming a member of ECO. Membership is by application for groups involved in the protection of the environment. Subscriptions for member organisations are determined by the size of the organisation:
- 1 - 100 members: \$85 p.a.
  - 101 - 1000 members: \$130 p.a.
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- subscribing as a 'Friend of ECO'  
-\$45 P.A. (GST inc.) 'Friends of ECO' receive this quarterly newsletter, mailings and invitations to ECO gatherings.
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**UPCOMING EVENTS FOR YOUR DIARY:**

**16-18 November:**

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**7-9 December:**

Power Shift Youth Climate Summit, Auckland

**17-19 January 2013:**

Coal in the Hole Summer Festival, Maitua, Southland

**25-27 January 2013:**

ECO SUMMER GATHERING, Arthur's Pass, Canterbury

**HELP ECO GO AROUND!**

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**PASS IT ON!**

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Action for the Environment  
Appropriate Technology for Living Association  
Auckland Civic Trust  
Bay of Islands Coastal Watchdog  
Bay of Islands Maritime Park Inc.  
Baywatch Hawkes Bay Environment Group  
Buller Conservation Group  
Clean Stream Waiheke  
Coromandel Watchdog of Hauraki  
Cycling Advocates Network  
East Harbour Environmental Association  
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Environmental Futures  
Far North Environment Centre  
Friends of Golden Bay  
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Gecko, Victoria University Environment Group  
GE-Free New Zealand  
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Guardians of Pauatahanui Inlet  
Initial Volco Trust

Kaipatiki Project  
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Monarch Butterfly New Zealand Trust  
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North Canterbury Branch Forest & Bird  
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Organics Aotearoa New Zealand  
Pacific Institute for Resource Management  
RESPONSE Trust  
Save the Otago Peninsula  
Soil and Health Association of NZ  
South Coast Environment Society  
Students for Environmental Action  
Surfbreak Protection Society  
Sustainable Otautahi Christchurch  
Sustainable Whanganui Trust  
Te Aroha Earthwatch  
Thames Coast Preservation and Protection Society  
Wellington Botanical Society  
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