Fish Bill: industry grip on management tightens

SCIENTISTS, recreational fishers, Maori, environmental organisations and many small fishers remain deeply worried by the Fisheries Amendment Bill 1998 and the Supplementary Order Paper to that Bill, SOP 164. The Bill however is supported by the dominant fish quota owners and fish processing companies, by influential Ministry of Fisheries officials, the Minister and some other fishers. There is known to be considerable disquiet amongst many MPs about the plans the Bill would make law to hand many fisheries management functions to the industry — but some government members such as Eric Roy, and Labour’s Jim Sutton and Damien O’Connor appear to support the Bill in this regard.

On the plus side, the Bill contains a Schedule that lists those (few) functions of the Chief Executive of Fisheries that are not to be devolved. Crucial in this list is the function of purchasing research. Regrettably however the Ministry has decided to press ahead with so-called “direct purchase” of a vast range of services, including research, using section 294 of the Fisheries Act. In effect the Ministry has found a back-door means of circumventing the intent of the Bill, even before it has been passed. At the same time the fishing industry is pressing to have research removed from the list of exclusions. We urge the government and opposition parties to resist this.

In the last ECOlink we reported that the Bill was drafted so that it allowed all the Minister of Fisheries’ powers to be devolved. We were assured that this was not intended and that the problem would be fixed in the SOP. We were astounded that when the SOP emerged, it still allows all the Minister’s powers, duties and functions, to be devolved. We are astonished that the same mistake could be made twice even after redrafting.

The Cabinet in 1998 decided to give the Ministry the power to allow the fishing industry to “direct purchase” “non-core” services. This term is now being used to cover absolutely vital services integral to the quota management system (QMS) and moreover that the Ministry is busy handing these services over to the industry to purchase already.

Included in the so-called “non-core” services is the operation of the system of tracking who catches what with what fishing effort, who owns the quota, who leases annual catch entitlements and who has what offsets. These matters are absolutely fundamental to any trading system and to the sustainability measures and how they can be classified as “non-core” is beyond us.

ECO’s concern is grounded on the fact that the industry inexperience in running the system could easily cause the system to crash. Moreover the vested interests of the industry could lead to systematic contamination of the data. It is of course true that fishers can now give false information but this does not infect the whole system the way it might under the new arrangements.

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The handing to the industry of the running of the system also signals to that industry that they are the main and most important stakeholders in fisheries. The position of customary Maori fishing is devalued, as are recreational, scientific and environmental concerns.

At the Select Committee inquiring into the Bill ACT's Ken Shirley insisted to a submitter that the commercial fishers will be most affected if anything goes wrong.

The submitter responded that the environment and the public would be most affected. The difficulty is that there remain strong and systemic incentives for fishers to "mine" resources so long as money in the bank will grow faster than the value of fish left in the sea. There is little or no incentive to worry about the value of quota if the capital value of the fish in the sea is slow growing. There is very little incentive in the short term - which prevails - for most quota owners to worry about environmental impacts.

URGENT action on these matters is needed now. You might like to make these points to your own MP and to Prime Minister Jenny Shipley, Prime Minister; to Select Committee members Eric Roy (chair, National), Jim Sutton (Labour), Jeanette Fitzsimons (Greens), Robyn McDonald (NZ First), Denis Marshall (National), Gavin Herlihy (National), Ken Shirley (ACT).

Write also to Fisheries Minister John Luxton; Jim Anderton and Sandra Lee (Alliance); to Helen Clark, Labour leader and to Tau Henare and Rana Waitai of Maori Pacific. Write to all of these at Parliament Buildings, Wellington. No stamp required.

Moves to gut hazardous substances controls

HAVING scuttled the international agreement on Biosafety Protocols under the Convention on Biological Diversity, global agribusiness have sunk regulation of pesticides which are part of the provisions of the Hazardous Substances and New Organisms Act (HSNO).

The purpose of the Act is to protect the environment and the health and wellbeing of people and communities by preventing or managing the risks of hazardous substances and new organisms. Having spent seven years in gestation before its enactment in 1996, Environment Minister Simon Upton has three times set dates for the hazardous substances regulations to come into effect. However, none of these deadlines have been adhered to. The latest March 1999 start-up date has passed, and Upton did not announce a new start-up date during his address to the annual Environmental Risk Management Authority Conference in June.

During the Conference we were told that it is expected to be at least another three years before pesticides and other hazardous substances are regulated under HSNO. Regulations have been drafted to comply with New Zealand's international obligations arising from Rio and affirmed by peer review internationally, yet pesticide and companies selling other toxic substances consider the as creating a precedent which is inconsistent with the current global free trade mantra.

Minister Upton is the now proposing amendments to the HSNO Act, which are expected to go before a select committee in August/September to ensure the existing pesticides regime remains in place. Legal control will be returned to the Ministry of Agriculture, a prospect which is a dismaying situation, especially to members of public who are victims of pesticide poisoning. This adds insult to injury as the public health system which excludes pesticide toxicity from its terms of reference and from statistics collected: the unacknowledged skeletons in the pesticide regimes' risk/net national benefit closet.

During the conference opening address, Upton did not explain any of this detail, but happily said there will be no indemnity provisions required of agribusiness - or any other business - under HSNO. The costs of risks will be "socialised" and continue to fall on and be borne by individuals, their families and communities. The message is that it's business as usual in New Zealand for the pesticides and associated industries in all their operations, including their genetic engineering technologies.

Other categories of hazardous substances, starting with explosives, are expected to come under HSNO control at intervals over the next three years. This is now going to be a hands off regime with ERMA encouraging businesses involved with hazardous substances to voluntarily adopt codes of practice in line with HSNO requirements.

The Minister, to the disappointment of environmental representatives, then told the genetic engineers present, who had been lobbying him in the past not to regulate their trade, that they were lucky that the new organisms regulations were in place to deflect the current calls for a moratorium on field trials and releases.

–Wendy Johnson, Friends of the Earth

Secret lobbying by industry

The pesticides and hazardous chemicals industry has been lobbying in secret for the last six months to get changes to the Hazardous Substances and New Organisms Act and regulations proposed to implement it. This industry lobbied Prime Minister Jenny Shipley, Bill Birch and Lockwood Smith when they were asked to justify their position by environmental officials.

At a forum to which no environmental or consumer interests were invited, environmental officials were directed by Ministers to meet with industry groups to investigate their concerns. A secret process continued from this meeting with no consideration given to organising a meeting on these issues with environmental groups or specialists.

The absence of public consultation on these changes is in contrast to the changes to the Resource Management Act. It appears that the National Government has become fixated with pandering to industry interests without hearing the views of the wider community.

It is time the Minister for the Environment, Ministry for the Environment, and the Environmental Risk Management Authority took the initiative and consulted with the wider community, including environmental groups. ECO looks forward to this early consultation.

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Alternatives to GDP: Genuine indicators of progress

THERE is a growing international movement to develop indicators which measure people’s well-being in a society. The emergence of alternative means of measuring progress is challenging the predominant indicator of progress, the Gross Domestic Product (GDP), which is considered as a poor reflection of people’s well-being.

GDP takes no account of increasing inequality, pollution or damage to people’s health and the environment. ‘Defensive’ expenditures, such as cleaning up oil spills and tackling crime, are all treated as economic gains, while natural capital is ascribed no value at all so degradation of forests, air and water is not recorded.

Comprehensive and meaningful indicators are being advocated to make up for the pitfalls of GDP. It is vital that government, business and the community have access to information about economic activity so that appropriate decisions can be made.

To contribute to the debate on alternative indicators of progress in this country, ECO has organised a short speaking tour by Dr Clive Hamilton, Executive Director of the Australia Institute. He is giving policy seminars and is speaking at public meetings in Christchurch and Wellington, and at Massey and Victoria Universities.

Dr Hamilton will be addressing the topic of the development of a Genuine Progress Indicator (GPI) for Australia. This indicator measures well-being by considering economic data and 20 other factors that affect well-being, including the value of household work, the social costs of crime and unemployment and the impact of environmental degradation.

As well as heading the Australia Institute, he is a Visiting Fellow in Public Policy at the Australian National University and an Adjunct Professor at the University of Technology, Sydney. He is a lively, innovative thinker and speaker.

The Australia Institute promotes a more just, sustainable and peaceful Australian society through research, publication and vigorous participation in public debate. Launched in 1994 to develop and conduct independent research and policy analysis, the institute has undertaken work on a variety of issues including ecological taxation, environmental impacts of GST, economic effects of privatisation in a number of industries, evaluated the National Greenhouse Response Strategy, impacts of forest reservation and structural change in rural communities, and indigenous property rights.

The visit has the support of the Ministry for the Environment, Statistics NZ, the Treasury, the Ministry of Women’s Affairs, Australian High Commission, Victoria and Massey Universities and Engineers for Social Responsibility.

Tour Details

- Christchurch, Monday 27 July, 7.30pm, Workers Education Association, ??? Gloucester Street.
- Wellington, Wednesday 29 July, 5.30-7.30pm, St Johns Church, cnr Willis & Dixon Streets. Entry. $10/$5 (waged/ unwaged). RSVP to ECO office.
- Dr Hamilton will also give a seminar to the Institute of Policy Studies, Victoria University, and a technical presentation on the GPI at Statistics New Zealand.

Common ground shaping the future

Friday 27 – Sunday 29th August 1999
Tapu Te Ranga Marae, Wellington

THIS year’s general election is a chance to influence environmental management in New Zealand. The way that people vote can have a big impact on the environment, so it important to be prepared when campaigns begin. On the conference agenda are sessions where party policies and individual politicians can be put on the green spot, and a chance to discuss how to raise the profile of the environment during the election campaign.

Key issues that will be covered include:
- how to challenge the weakening of the RMA
- what does APEC mean for the environment?
- improving how marine ecosystems are managed
- organising for a green election

The conference is one of the few chances each year for members of the environment movement to meet to learn about successes, recharge batteries and discuss tactics for the upcoming year. There are plenty of opportunities for networking and planning.

Also part of ECO’s annual conference is its AGM, which will be held on Sunday August 29th. This elect a new executive and set priorities for the upcoming year.

Tapu Te Ranga Marae is located in Island Bay, in a tranquil regenerating native bush setting and close to the rugged south coast yet only a fifteen minute bus ride to the centre of Wellington.

For more information contact Claire Lydon at the ECO office.
Are you foreign influenced? – you’re fair game for the SIS

MANY people are not aware that a further Bill about the Security Intelligence Service came before Parliament this year. ECO made submissions.

The Bill was apparently the price extracted by Labour for supporting the Bill which became law earlier this year that retrospectively legalised the SIS break-ins to houses, offices and other places to spy on people.

The second Bill made a number of small changes to protect people—but it also made the regime easier for the SIS.

The Bill tried—unsuccessfully—to tackle the question of the very wide definition of “security” introduced into the Intelligence and Security Act in 1996. This Act provides that you can become the object of SIS attention if what you do “impacts on” New Zealand’s international well being or economic well being. This is so wide and so unqualified that it is absurd—putting most of us into the scope of the SIS’s attentions. The impacts do not even have to be adverse.

The Bill’s attempt to deal with this definitional problem was ham-fisted, convoluted and circular. The Bill retains the pre-1996 definition of “security” which includes protection from acts of espionage, sabotage, terrorism and subversion. It then adds a further clause to modify the 1996 version so that security also means “the identification of foreign, or foreign influenced, capabilities, intentions, or activities with or relating to New Zealand that impact on New Zealand’s international well being or economic well being.”

“Foreign” is then defined so that the above definition becomes even more complex, distinctly circular. For instance the definition of “foreign” includes “in relation to capabilities, intentions, or activities means controlled, influenced, entertained, or undertaken by one or more foreign organisations or foreign persons.”

Branches of foreign companies or incorporated societies are defined as foreign, so WWF New Zealand, Greenpeace NZ and Friends of the Earth NZ seemingly are picked up by this definition.

Any unincorporated body of people who are 50% non-New Zealand and carry out activities outside New Zealand is also “foreign.”

The Bill then establishes “foreign” and “domestic” interception warrants. Domestic interception warrants must be authorised by both the Commissioner and the Minister who must be satisfied that certain conditions apply. “Foreign” interception warrants can be issued by the Minister alone and do not require the concurrence of the Commissioner.

We find it difficult to imagine who is NOT “foreign influenced.” In our submission, we asked the Committee to consider the case of Mike Moore, a member of the Committee. We pointed out that he must be a prime suspect for the SIS since he is not only foreign influenced but clearly is backed by many foreign governments in his bid to be the Director-General of the WTO. We suggested too that in taking advice on the impacts of dredging and trawling from internationally renowned scientist Paul Dayton we may ourselves be foreign influenced. Further there are many foreign companies—such as Telecom, banks and others who would come within the SIS net.

Sir Douglas Graham took exception to us saying that the Committee itself was unconstitutional. He insisted that because it was established in law, it is constitutional. The point however that we make is that the constitutional tradition in Westminster systems of government like New Zealand’s, is that Parliamentary Select Committees are supposed to be the check of the legislature on the actions of the executive of government. Thus traditionally ministers do not serve on Select Committees which are designed to be the backbenchers providing a check on the actions and laws put forward by governments and ministers.

The Intelligence and Security Committee violates this tradition. It is chaired by the Prime Minister, who is also the Minister in charge of the SIS. Other members are ministers (on the government side) including Sir Douglas Graham and Don McKinnon and Helen Clark, the Leader of the Opposition, and Mike Moore. The constitution of this Committee is not such that it is representative of Parliament as a whole and it is dominated by the Prime Minister and other ministers and does not therefore serve as a proper check on the exercise of power.

Environment Minister under investigation

THE OMBUDSMAN is investigating Environment Minister Simon Upton’s decision to withhold vital information about planned changes to the Resource Management Act.

The investigation follows attempts by Action for Community and the Environment (ACE) to gain access to cabinet decisions regarding the proposed amendments. Requests for information about the recommendations made to the Minister by the Ministry for the Environment have also been refused.

With legislation amending the RMA expected to be introduced into Parliament shortly, there are widespread concerns the Minister’s refusal to release the documents will unduly restrict the time available to analyse and assess the impact of the amendments. The decision also calls into question the sincerity of the Minister’s earlier statements that he wants to ensure there is broad support for the changes.

ECO’s Cath Wallace points out that during the period leading up to the introduction of the Resource Management Act, cabinet papers were requested and released on a weekly basis. ACE is asking why Mr Upton is refusing to do the same.

For more information on the RMA campaign contact: Jessica Wilson, ACE Coordinator, ph (04) 934 2108, fax (04) 499 2954 or email jessica.ace@wwf.org.nz.
Court bulldozes community feelings

THE ENVIRONMENT Court ruled in May that Transit New Zealand can proceed with the Wellington Inner City Bypass. The decision gives new life to the ‘bypass’ proposal — the last relic of a 1960s motorway plan for Wellington.

Campaign for a Better City (CBC) described the strongly-worded 300 page decision as “disappointing, extreme and a triumph of mediocrity.” CBC has decided not to appeal the decision, as the outcome was too uncertain and the potential costs too high.

However, a meeting of nearly 200 people crammed into Thistle Hall on 17th May decided that the campaign was far from dead. Four action groups were formed at the meeting to co-ordinate different aspects of the ongoing campaign.

CBC took Transit to the Environment Court last August. The hearing lasted nearly four weeks. Over a dozen expert witnesses, including transport, urban design and safety experts, spoke against the proposal. Most of this expert evidence was rejected in the decision; which even makes the farcical claim that the ‘bypass’ will create better conditions for school children in the area.

Judge Shonagh Kenderdine’s planning decision on the proposed two lane ground level road through Te Aro allows Transit New Zealand a five year window in which to begin construction — if it can obtain funding. Evidence presented during the case showed the project does not meet Transfund funding criteria at present. CBC is looking closely at any assertions that the project was now fundable.

Roland Sapsford, CBC spokesperson, commented that “the most frustrating aspect is that evidence presented in Court clearly showed the bypass won’t solve Wellington’s transport problems. Even Transit admits some motorists will be worse off from day one. Road construction cannot solve city transport issues. It simply increases the number of cars on the road. In other words it makes things worse — more congestion, pollution and crashes. The UK learned this the hard way — why can’t we learn from that?”

Community feeling in Wellington still remains high and there was widespread opposition to the project. In the last five years this has been a truly massive community effort. In 1996 there were over 1100 submissions against the project, with only 26 in favour. The court case was entirely funded by donation.

Background on the Case

The case ran for three weeks in the District Court Building, heard by an Environment Court Judge, and three specialist Commissioners. CBC produced 16 witnesses, Transit 16, and Wellington City Council produced three. Assisted by a crowd of volunteers, CBC’s case was presented by lawyers Tom Bennion and Martin Taylor, with Roland Sapsford as case manager.

CBC presented a credible case because of all those who put in hard work to see CBC into court. People organised fundraising events, worked in the office, couriered documents around town, helped brief witnesses, watched on in court, and did everything that normally requires a large law firm to achieve. The case cost around $30 000 to put together, with most of this going on photocopying and expert witnesses.

People are encouraged to participate in the campaign to stop the road, by joining one of the action groups, or writing to local papers, calling talkback radio, or going along to one of CBC’s regular meetings held every Thursday.

For more information: P O Box 11-964, Wellington; ph 04 385 6728, e-mail cbc@clear.net.nz; website http://better.wellington.net.nz/

Native Forest Action update

THERE is a light glimmering at the end of the tunnel! The Labour party have all but voted in policy remits that will end all native logging on public land if they become government! This is a significant milestone. So needless to say, during the time that this policy has been up for discussion we have been putting considerable effort into sending a loud and clear message to Labour that the policy is a good thing and that the majority of New Zealanders support it. As the election draws nearer it is going to be increasingly important to emphasise the fact that it is the National government who are directly responsible for the logging of our precious lowland rainforests. Labour, The Alliance and The Greens all have good policies on the logging.

We are also taking interested people into the forests again this winter, and perhaps having another winter gathering along the lines of last year’s Murchison rendezvous.

A fantastic children’s adventure book called ‘Run for the Trees’ has been published by NZ author Mandy Hager. It tells of a small group of young people who occupy a forest on the West Coast in order to prevent it being logged by the evil ‘Ecolands’ logging company. To raise money for the campaign Mandy has kindly given us some of the books to sell.

The court proceedings for those arrested over the summer are dragging on somewhat. Steve and Bridget have elected trial by jury in Greymouth for their charges over the helicopter incident, and about a dozen other people will face additional charges in a separate hearing. This is already proving relatively costly so we are in dire need of some funds at the moment. If you want to help us you can order a book ($15 each) or make a donation through our web site www.nfa.org.nz, by calling the office on 03 545 6040 or by sending a cheque to PO Box 836, Nelson.
Parengarenga Harbour silica sand mining conflict

AT PARENGARENAGA harbour, just short of Cape Reinga, at North Cape, there is a harbour of exceptional cultural and biological richness. It is also the site of decades of silica sands mining for glass plants run by ACI.

The mining has for the moment stopped because of the festering conflict over the impact of the mining on the kaimoana of Ngati Kuri, the issue of long term biological and physical damage, and conflict between Aupouri and the Ngati Kuri Trust Board. Aupouri gains payment for the loss of land caused by the sand mining. Ngati Kuri, which regards the Harbour to be in their rohe, resents the approval of mining by Aupouri. The silica sand mining has been approved by the Ministry of Commerce which has renewed ACI’s mining permit under the Crown Minerals Act. Environmental considerations are not brought into decisions under that Act. Instead, these are supposed to be dealt with by the Northland Regional Council, which has responsibility for issuing any Resource Management Act consents.

The mining has been underway for years and has involved the dredging and suction of large quantities of silica each year. This is then loaded into barges and shipped to Auckland for manufacture into glass. The barges belong to the Northland Port Company, which is partly owned by the Northland Regional Council.

The harbour is very rich ecologically. It has international and national significance as a habitat of migratory wading birds. It also has resident waders, gulls, terns, shags, ducks and swan. Endangered white heron, the threatened NZ dotterel, the banded dotterel, wrybill, royal spoonbill and the Caspian tern are visitors. Arctic visitors gather for the long migration north in the late summer/early autumn when the bird population rises to 20,000.

The harbour has over 700ha of mangroves, with very large tidal flats. There are stretches of eel grass and saltmarsh which not only foster a variety of marine life but provide essential water quality services which accounts for the high quality of water found there. Shellfish are plentiful. The arm of the sandspit that encloses the harbour from the south is “Kokota,” named for the wailing sound of the wind on the particular species of pipi found there. It is the tip of the sandspit that is mined or suctioned. The silica is pure and valuable for glass manufacture. Fin fish are present and with the shellfish are vital to Maori diets and culture. Department of Conservation administered land on part of the hinterland is being allowed to revert to native forest.

The sand mining has continued for years despite the protests of Ngati Kuri. There is on-going environmental monitoring but mounting unease that this does not pay attention to long term effects and other matters crucial to Ngati Kuri. ACI has been warned not to resume mining by Ngati Kuri which is enraged by the Commerce Minister’s re-issue of the mining permit. For 18 months or so there has been no mining and for the moment the company is biding its time.

Help Ngati Kuri by voicing your concern to the Northland Regional Council (192 Commerce Street, Kaitaia, fax 09 408 1689) and to Max Bradford, Minister of Commerce, Parliament, Wellington. (fax 04 471 1440).

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Commerce fails to protect ozone layer

THE MINISTRY of Commerce has failed to adopt measures to protect the ozone layer. When the Ozone Layer Protection Act was passed in 1996 the Select Committee included provisions which enabled an approved accreditation programme for people working with ozone depleting substances. This move was supported by industry representatives, industry associations, environmental groups and the Ministry for the Environment but was opposed by the Ministry of Commerce.

The provisions were designed to improve industry practices, for instance refrigeration and air conditioning industries to minimise the release of ozone depleting substances into the environment. Releases can occur when unskilled operators are involved in such things as repairing refrigeration equipment.

To their credit the Institute of Refrigeration Heating and Air Conditioning Engineers of NZ (IRHACE) have promoted an industry code of practice and developed a draft accreditation scheme in 1997. In 1998 the Ministry for the Environment circulated this information for comment and received positive feedback. The blockage is due to the structure of the Ozone Layer Protection Act. These measures can only be implemented with the approval of the Ministry of Commerce. Unfortunately the Ministry of Commerce is opposed to these measures because it apparently regards the accreditation programme simply as an entry barrier to the market by competitors rather than as a necessary step to protect the atmosphere.

These measures are a small but important step to reduce the amount of ozone depleting substances that are released into the environment. The Minister of Commerce, Max Bradford, must get the message that Ministry of Commerce’s opposition is not on. Write freepost to Parliament Buildings, Wellington, or fax 04 471 1440.
WHEN local government leaders, both elected and appointed, meet to talk about something called ‘community government’ the first question on my lips is “What is on the agenda?” Is this another talk shop where pats on the back are meted out for councillors’ shared concerns about the situation communities are in but little is achieved. Is it a guise through which the grey suited leaders grab more power over the community, but this time in its name. Or is it a genuine attempt to address social, environmental and economic issues from a ground-up perspective?

The messages were mixed at the “Community Government Forum,” organised by Christchurch City Council Mayor, Garry Moore, in association with other Canterbury Mayors. This two day Forum with its invitation only audience grappled with how to “gain critical momentum in initiating change in the way our communities govern themselves.”

There was a welcome openness and willingness to engage in debate about the role of local government. With central government shirking its responsibilities for employment, education, welfare, social cohesion and the environment, the topic of “what does local government” do was hotly contested. Behind this question was concern about the ability of councillors to carry out certain activities: with questions about their capacity, funding and legal mandate.

What was not quite so reassuring was the eagerness with which participants tended to agree that everyone’s thinking was on a similar track. Concurrence over the latest jargon – including instance ‘best practice’, ‘third way’, ‘continuous improvement’ – seemed all too easy and brushed over significant differences. Disagreement and conflict is okay, provided parties are willing to reach some resolution. False consensus and watered down positions is counter productive.

Participants were encouraged to be critical and reflective. There was a real temptation for mutual flattery about the place in local government. On the other hand, it was recognised that there is a danger of local government adopting a similar aloof relationship between the elected and the electorate as that of central government to its constituents. Research on the composition of councils indicates they are not representative of the population: in the 1998 elections 94% of candidates were over the age of 40, 93% Pakeha, 71% male, and had higher than average incomes. Youth, women, Maori and other ethnic groups are under-represented. This creates difficulties in terms of how approachable and accessible councils are seen to be, and in whose interests decisions are made.

It is crucial for the attitudes and relationship of councillors to the electorate to address this lack of representativeness. Effort needs to be put into being inclusive, and for decisions to be made which reflect broad community interests, not just those of the elected members. If this is not achieved then the legitimacy of local government will be challenged.

Representation at the Forum was largely restricted to councillors and officials, with a small community presence. This in-house talkshop approach may have freed people to explore positions honestly, but it risked appearing transparent and opened up the potential for the term “community” to be once again appropriated. This was not a convincing way for a ‘community government’ approach to be forged.

There was a lot of talk about embarking on a structural reform process to strengthen the role of local government. Suggestions ranged from extending powers, by giving councils powers of general competence through to major institutional changes. There is a danger that forever rearranging structures and institutions will mean that some of the difficult social and environmental issues, which require behaviour and attitudes to change, will not be addressed. Having witnessed change in almost every facet of public life in the last fifteen years, it is difficult to be enthusiastic another round of “reforms” which promise some gains after some pain.

There was talk of a redefinition of the relationship between citizens and their governments, with ‘empowerment’ a key theme. A hand-out summarising outcomes for the forum captured the spirit of this by noting a number of steps to increase community capacity, including building trust between government and communities, and creating a sense of identity, pride and togetherness. What was missing was the recognition that local government must learn how genuinely to share power. This does not necessarily mean devolving responsibility to the community, but it is about preparedness to enter into dialogue and to negotiate over how to do things.

With issues of trust and democracy at the heart of the Forum talk of extending democracy was also a topic of much discussion. Innovative participatory mechanisms were raised alongside more traditional enhancements to representative democracy. Such mechanisms include citizens juries, citizenship education, user group participation, and round-tables. Experience in the UK, and other countries, suggests that councils might be tempted to adopt one or two techniques, but not necessarily listen to the results, nor want to involve citizens over the longer term. One lesson for councillors is that using the latest technique, whether it be roundtables or citizen juries, is less important than a commitment to ongoing and meaningful participation.

At the end of two days of ideas flowing it was more obvious that the Forum was about local government talking to itself, developing a shared agenda for promoting community government. It was about having both the confidence and humility required to take a leadership role. If this agenda helps councils listen to their constituents and then to develop ways of addressing local situations, then the Forum is a sign of hope. But if instead of “walking the talk”, as councils were repeatedly encouraged to do, local government seeks to enlarge its power base, the potential of the notion of "community government" is not only wasted, but a threat to the very community it is intended to promote.

“it is difficult to be enthusiastic another round of ‘reforms’ which promise some gains after some pain”

- Stephen Blyth
Feeble proposal for Spirits Bay from the Ministry of Fisheries

THE “UNPARALLELED” “unique” and diverse marine invertebrates in rare or previously unknown assemblages off Cape Reinga in Spirits Bay and Tom Bowling Bay are not worth giving full protection according to the Ministry of Fisheries’ proposed options for the area.

It is known that there are over forty rare or very rare species in the area. Research from 1999 by NIWA to augment work done in 1996 and 1997 revealed that there were 27 rare species with 16 endemic and some new to science. This earlier work was done as an unfunded by-product of scallop dredging. In the light of this ECO, Royal Forest and Bird Protection Society and Greenpeace called in April 1998 for a halt to bottom trawling and scallop dredging in these areas and for further research to identify the full extent of the biodiversity.

Diverse and rich biodiversity

Preliminary results from work done by NIWA on contract to the Ministry of Fisheries in January 1999 aimed at identifying biodiversity at 20–70m depths, shows that there is indeed a treasure-trove of species there – with much more taxonomic work to be done. There are known to be 218 sponge species and 170 bryozoans, plus many corals, soft corals, gorgonians, probably black corals, ascidians (sea squirts), hydroids, crustacean molluscs and many others, including a barnacle whose closest relative is thought to have become extinct 300 million years ago. There is a profusion of red and orange sponges.

Yellow and red-pink corals and gorgonians are present at 65–100m depths – in an area east an area ECO has proposed by protected. This leads us to suggest that the closure should be extended to the east and out to 100m. Gorgonians are coral like and on seamounts have been found to be many meters high with huge branching “trunks” rather like trees. These seamount gorgonians are estimated to range in age up to 300 years old.

Fisheries management reaction

On the basis of the 1996 and 1997 reports, ECO asked in April 1998 for a closure by the Minister under the Fisheries Act 1996. The Act requires Ministerial and official regard to biodiversity, and that management not be inconsistent with the Convention on Biodiversity and the UN Convention of the Law of the Sea (UNCLOS). Article 192 of UNCLOS requires states to “protect and preserve the marine environment” and any exploitation is subject to this requirement.

In 1998 the Ministry of Fisheries obtained agreement from the scallop fishers to a small closure of about 13% of the area of greatest concern – but most of this 13% was outside their fishing area anyway at depths below 50m. It is only in the last few weeks that the bottom trawlers have made any agreement – and this only not to extend trawling beyond their preferred trawl areas. Their argument is that they have fished there for years and any damage will already have been done. Both agreements are voluntary and cannot be enforced by legal action. The Ministry has done little to monitor compliance with these agreements. An area dubbed the “sponge garden” by the NIWA scientists for its exceptional abundance of sponges, left unprotected by closure of the scallop dredging, is now apparently much depleted – mostly likely due to dredging.

ECO regards the agreements as inadequate and unenforceable, especially since there are suggestions from scientific circles that there has been damage from fishing in the last 12 months. In December 1998 ECO requested that the closure of the area be extended from the 40m depth contour off Spirits Bay and 30m off Tom Bowling Bay and also exclude trawlers from the area closed to scallop dredgers.

Impact on fisheries

Scallops in the 1999 survey appear to have almost completely disappeared: only ten individuals were found and no spat. The absence of spat is especially alarming because the time of the survey in January is the time when it is most likely that spat would be found. Fishing pressure has been heavy in this area with 67 tonne taken from these bays in 1996–97, and 78 tonne in 1997–98. But catches fell to only 10 tonne in 1998–99. Although scallop stocks are volatile these animals live three to four years so the apparent absence of adults suggests that heavy fishing pressure has occurred in the 20–50 m zone where dredgers operate.

The Minister of Fisheries must now decide whether and how to protect the Spirits and Tom Bowling Bays biodiversity. To do so would mean some fishing activities would have to stop. Trawl caught snapper (47–140 tonne) and trevally (23–69 tonne) would have to be foregone – but this is only 3–9% of the snapper catch for the Northern area and 1–3% of the trevally.

Science ignored

The NIWA scientists, apparently under strong management pressure that is acutely conscious of the future purchasing power of the industry under devolution plans, have been careful to closely hedge their statements. They do however state that the situation and areas of absence of sponges and bryozoans in areas that have been fished is consistent with expectations of damage by dredging and bottom trawling.

ECO is now very concerned at apparent NIWA management pressure on scientists. At a meeting in Wellington to
discuss the 1999 survey findings, a NIWA science manager intervened repeatedly to deflect questions about the management implications of the study from the scientist. This pressure originates from what can be seen as industry influence on NIWA. In the event of Ministry of Fisheries plans to allow fish quota associations to purchase research goes ahead, the industry may decide not to buy research from scientific organisations that inform the community of the risks from fishing activities.

Options for protection

Environmental organisations are not alone in their concern about Spirits Bay and Tom Bowling Bay. Ngati Kuri have also called for a moratorium on bottom trawling and dredging with a Mataitai Reserve to do this around the immediate coast. ECO supports the creation of a mataitai reserve that gives effective protection but the boundaries of that proposal do not extend seawards enough.

This month the Ministry put forward three options for management action.

Option one is essentially a "do nothing" option that simply preserves the current status quo of the voluntary scallop closure of depths greater than 50m and allows continued fishing in the areas already fished but restricts fishers from opening up new ground.

Option two is the ECO proposal of December 1998 with a possible extension to the east, which ECO favours in light of the 1999 research showing corals and gorgonians at 100m. The Ministry says it would have a "significant impact" on dredging and bottom trawling, but makes no attempt to quantify this and does not draw attention to the fact that the scallops appear to have disappeared anyway. We presume the "significant impact" would be the loss of snapper and trevally catch.

Option three put forward by the Ministry, and apparently its preferred option, excludes fishing only in the 50–70 metre depth zone. The area of greatest remaining sponge and hydroid diversity is in this area – but other species are rich outside it or have yet to have their extent determined. The Ministry proposal preserves scallop dredging (assuming any can be found) at least to the current limit of such dredging. It would preserve trawl corridors outside this zone, including a large corridor to the east which is close to or on the area of gorgonians and coral at about 100m depth.

This option would allow the trawlers to continue to trawl two of their three corridors in the area. They would lose only about 30% of the trawl catch in this area. Trawling would continue on other tracks even though some trawls track into areas of high biodiversity and the longest, eastern, track is perilously close to the corals and gorgonians.

ECO's proposes protection should extend inshore to at least 40m in Spirits Bay and 30m in Tom Bowling Bay and out to at least 100m depth. ECO rejects the Ministry view that any closure should be voluntary on the grounds that the area is remote and hard to police. The difficulty is that such a voluntary closure could easily be opened – it is adjustable and cannot legally be enforced.

At a meeting of the Ngati Kuri Trust Board on Saturday June 19, there was discussion of a fourth option proposed by Tom Bowling Murray – who is both Ngati Kuri and the National Party Candidate for Northern Maori. This fourth option is for protection from the shore to 70m depth. ECO thinks that, with an extension to protect the corals and gorgonians and other species out to 100m, this is a good idea.

ECO urges members and readers to write to Fisheries Minister John Luxton and Prime Minister Jenny Shipley at Parliament Buildings, Wellington. Ask that options one and three be dismissed and that instead the expanded ECO option, option 2 extended out to the 100m depth contour, be adopted by regulation and that this be combined with the Ngati Kuri option to bring the protection in to the shore. Please send ECO copies of responses to any letters that you write.

Fisheries research gets more money or does it?

THE MINISTER of Fisheries, John Luxton, announced an increase in fisheries research expenditure for the first time in 8 years. This was after five years of petitioning of the Minister by ECO and other environmental groups.

The fine print shows the increase is not as rosy as the Minister claimed – it only takes fisheries research back to where it was in 1995/96 when $17.3 million dollars was spent.

There was an increase in funding for marine environmental research to $386 000 but this is still much less than in 1995/96.

Sadly the announcement was not all positive. The Minister’s announcement included the axing of 12 research projects. This included research into Northland scallops, southern bluefin tuna and the assessment of smooth and black Oreos in the Southland/Otago area.

Despite the absence of stock assessment information on many of these stocks the fishing industry argued for these projects to be axed and the Minister agreed. It will mean that fisheries will again be flying blind when it comes to managing Northland scallops or the deepwater oreo fisheries.

As part of these research changes the Government is proposing to let the Tasman Bay/Golden Bay scallop company assess its own populations of dredge oysters and scallops. ECO is concerned that directly industry funded research will lack the rigour and openness of Ministry funded research.

Tasman Bay and Golden Bay are important areas with conflicts between different fishing interests and with conservation concerns.

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Ministry of Fisheries workplan distortions

THE MINISTER of Fisheries has approved a work plan and budget for the Ministry in which it plans to substantially shrink its effort on its core sustainability and planning functions in order to pursue a different agenda. The Fisheries Act 1996 requires that the Ministry make decisions relating to setting catch limits and other controls. To do this the Ministry undertakes research and research planning, assessments of fish stocks and other matters. These are to be substantially reduced this year in order that the Ministry and Minister pursue their agenda of handing a large measure of control of fisheries management to the fishing industry and to create "rights based fishing."

There is well over $5 million being diverted away from these core sustainability, stock assessment and planning functions. Details are in the Ministry’s document, The Nature and Extent of Fisheries Services for the 1999/2000 Financial Year.

A casualty of spending reductions along with the reduction in research planning, stock assessment and the crucial setting of limits on catches is also a reduction in work on the Commission on Southern Bluefin Tuna, a tripartite agreement between Australia, New Zealand and Japan. These tuna already are at only 5% of their original biomass. In parts of this fishery, southern bluefin tuna make up only 2% of fish caught in this fishery, the rest are other tuna (totaling 30%) while the balance are sharks, turtles and non-target fish. It is one of the most unsustainable fisheries in the world. Japan refuses to accept catch limits despite the damage to the fishery. Seabirds, particularly albatrosses and petrels, are also drowned in significant numbers in this fishery.

The Minister’s approval of the Ministry’s workplan is especially disturbing for the very limited amount of spending on the Ministry’s environmental responsibilities. About $1m is to be spent on developing the “rights based” framework for fisheries management — but this is only for the right to take. The Ministry refuses to acknowledge or provide any money to develop protection of rights to environmental services or for non-extractive uses of fisheries resources. The Fisheries Act 1996 does not distinguish extractive from non-extractive uses but the Ministry insists that it is only required to consider extractive uses. We see nothing in the Act to support this interpretation.

Research spending is to be boosted from the very low levels of the past few years — but it is still well below the levels of 1991/2 (see previous page). Moreover the figures announced in the budget overstate the true level of research spending allocation. The recovery however, is welcome though the $386,545 for research relating to fishing and the aquatic environment is absurdly inadequate for an area of sea 15 times the land area of New Zealand and little understood.

The Ministry workplan provides millions for work on enhancing commercial fishing rights and transferring to the industry crucial fisheries management services. Turn the page and you find (p24) the grand heading “Ecosystems management framework.” The budget $32,215, and this is for the work initiated by the Ministry for the Environment for work developing environmental indicators for fisheries. Ongoing monitoring of these is allocated a miserable $5,307.

The Ministry finally has an allocation in the budget to develop systems for the implementation of the environmental responsibilities placed on it by the 1996 Fisheries Act. Just how much is this allocation is unclear since that work is lumped in with two other projects which combine with it to cost $600,000. It is astonishing that it is only in 1999 that the Ministry begins to take seriously the development of systems for the implementation of the 1996 Act.

The question that now must be asked is: Can the marine environment afford the priorities of the Minister of Fisheries John Luxton and the fisheries CEO Warwick Tuck and the Deputy CEO, Stan Crothers? Naturally the big boys of the fishing industry are encouraging these priorities but almost everyone else including recreational fishers, scientists, environmental organisations and many others — even some of the smaller fishers — are highly alarmed by the rush to industry control. Smaller industry players see the moves as enhanced opportunities for the large dominant fishing and fish processing companies to tighten their control of small fishers.

Ominously however, Labour’s Jim Sutton seems unlikely to be much better. When ECO wrote to him about Spirits Bay and the problems with the Fisheries Bill we hear that he sent our letter to the SeaFood Industry Council (SeaFIC) which drafted a response for him to send to us.

Actions you can take:
Write to Prime Minister Jenny Shipley to take issue with Mr Luxton’s priorities and to Leader of the Opposition, Helen Clark to air your concern that Jim Sutton uses SeaFIC to draft his letters.
World Heritage Sites at risk

South West New Zealand World Heritage Site

The Royal Forest and Bird Protection Society has written to the World Heritage Committee of UNESCO to protest at New Zealand's management of the South West New Zealand World Heritage site. The complaint, sent in April 1999 is that the Department of Conservation has failed to give primacy to the protection of alpine ecosystems and instead is managing the site for the recreational values of the introduced animal, the Forest and Bird also complains that the Minister of Conservation allowed "emergency grazing" of tussock grasslands in the Mavora Lakes Conservation area (during the drought), that there have been proposals to bulldoze the crater of Ruapahu and that Tongariro National Park is excessively managed for recreational hunting, all in violation of the World Heritage status of these sites.

Kakadu

The Bureau of the World Heritage Committee of UNESCO meets in Paris in July. A key matter for consideration is the impact of the construction of the Jabilukka uranium mine in the Kakadu National Park and World Heritage area. The mine has been strenuously opposed by the local aboriginal people, by many scientists and by environmental organisations amongst many others. The uranium mine is seen to put at risk both the cultural and ecological values of Kakadu. Incursion of radioactive pollution via water ways into the extensive wetlands of Kakadu is one of the major concerns.

The meeting of the World Heritage Commission is supposed to consider only the World Heritage criteria but Australia has mounted an intense diplomatic offensive throughout the world to try to have trade and other diplomatic relations brought to bear on the decision. UNESCO's credibility will depend on the capacity of delegates to withstand pressure from Australia and to agree that uranium mining does indeed threaten both the ecology and the culture at Kakadu, in northern Australia.

Shell pipeline threatens to destroy tropical forest paradise

WWF warned has warned that a gas pipeline backed by Shell threatens to destroy the world's largest remaining tract of tropical dry forest. The proposed pipeline, to be built by a consortium that includes Shell and their US partner Enron, will cut through the heart of the Chiquitano forest in eastern Bolivia, one of the most threatened ecosystems in the Western Hemisphere.

The consortium is proceeding with the project despite their own consultants admitting that "we are dealing with a single complex ecosystem which should be preserved at all costs" and that the pipeline "should be moved to Brazilian territory where it could be installed with much less damage."

Chiquitano is home to many of the world's most endangered species, including the hyacinth macaw, maned wolf, jaguar and ocelot. The 224-mile long pipeline, intended to transport natural gas from Rio San Miguel in Bolivia to Cuiaba in Brazil, also threatens to pollute the headwaters of the world's largest wetland, the Pantanal.

Shell and Enron have decided to proceed with the pipeline after rejecting an environmental assessment by five green groups, including WWF, which found that the pipeline would have devastating environmental impacts.

Recommendations in the assessment to re-route the pipeline have been roundly dismissed by the energy consortium. Enron claims that the project is justified on the grounds that the forest is secondary and has been logged before. WWF's environmental assessment clearly found however that the forest is pristine primary forest. A study commissioned by Enron also concluded that the forest was "primary tropical forest" although this was omitted from their own official impact assessment.

"This area has been identified by WWF as one of the richest, rarest and most biologically outstanding examples of Earth's diverse habitats and a priority region for conservation efforts," said Clive Wicks, Head of International Programmes for WWF-UK. "Shell's support for this project flies in the face of their claims to respect the environment and is completely unacceptable. Shell are showing a deliberate and reckless disregard for the conservation of a unique ecosystem, all in the name of corporate profitability."

Enron is seeking $200 million for the $500 million project from a US government agency OPIC. A decision is expected on 15 June on whether OPIC will finance the project although Enron has insisted that they will proceed with the project whether they receive OPIC funding or not.

"Endangered species that have been all but eliminated elsewhere are found in this forest in relative abundance," said Patricia Caffrey of WWF Bolivia. "Nature has very few strongholds like this left on the planet."

Top conservation official to visit New Zealand

WITH all the decorum that the WTO has been unable to muster, New Zealand's David McDowell relinquished the top job of the World Conservation Union to the new Director-General, Marita Koch-Wesser in February. David held the post for five gruelling years and has returned to New Zealand. We thank him for that work.

Ms Koch-Wesser is expected to visit New Zealand with a day in Wellington on Tuesday 26 October, hot on the heels of a regional meeting of IUCN members - for both government and non-government IUCN members in Sydney on 22-25 October. These dates are subject to confirmation.

New Zealand is expected to take the case to the UN for IUCN to have observer status there. IUCN is independent of the United Nations but is expected to gain influence for conservation if the bid succeeds.

ECO welcomes the New Zealand Ecological Society to membership of IUCN which was recently approved by the IUCN governing council.

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Message from the Ogoni 20

THE FOLLOWING letter is from the Ogoni 20 who were held without trial from 1994 until September 1998 by the Nigerian military. They were accused of the same politically motivated murder charges that had been used as a pre-text to kill Ken Saro-Wiwa and eight other Ogoni leaders for campaigning for environmental and human rights in Ogoniland. Since MOSOP began their non-violent campaign in 1993 the Ogoni people have suffered shootings, rapes, arbitrary arrests, mass looting and torture. It is estimated that more than 2000 innocent people have died.

The military inflicting these crimes is armed and paid for by the Shell oil company. The company has so far refused to clean up their environmental mess which has destroyed Ogoni farmlands, fisheries and livelihoods, and refused a UN High Commissioner’s report calling for an independent environmental survey. The last time Shell’s ethical record came under this level of scrutiny was in relation to its involvement in apartheid in South Africa.

This is a letter of thanks and encouragement from the Ogoni 20 for the campaigning that has led to their being freed from unsanitary and torturous conditions—conditions that have left one person blind and others suffering from amputation, tuberculosis, paralysis and heart disease.

Our Letter Of Appreciation

We, the undersigned are the remaining 20 youths, just released from a protracted detention by the Government through the court court unconditionally hereby weavir to express our profound appreciation and gratitude to God Almighty whose amazing grace and tender mercies on us has sustained us till today and also granted MEN and WOMEN of goodwill, the world over, the resources, enablement and the courage to fight untringly for our freedom and that of other oppressed humanity.

This God works through the instrumentality of some people and to these people do we fervently thank for the humanity in them We thank the Movement for the Survival of the Ogoni People (MOSOP) the author and artificer of the Ogoni consciousness. We pray that God should see them through until OGNILAND in totally emancipated. Our thanks also go to all the MOSOP affiliated bodies for their steadfastness in the struggle in spite of all the odds.

We very much thank Chief Gani Fawehimi and his team of lawyers for their ever readiness to always come to our rescue at least call even without our paying them. He is a unique phenomenon and a real human being.

Our thanks also go to Mrs. Yime Joi Nunikeh Yowika and her team of lawyers for her timely and God sent mission. She finally lifted off the lid to our freedom in spite of all threats by our detractors. She is the ‘ESTHER’ of the Ogoni people.

We thank all the local and international media for giving us the voice to reach out to the whole world. You are the last vestige of conscience, light and truth and the vessels for the preservation of human rights and the respect for the human person. We thank you for your tireless co-operation and assistance throughout our period of travial and we are still asking for some gestures till Ogoniland and the oppressed Niger Delta is emancipated. You are the voice of the voiceless.

Special thanks also go to all the local and international Human and Environmental Rights groups, such groups as: the CLO, ND-HERO, NADAECO, CDHR, DA, WAND, ERA, Sierra Club, The Earth First! Network, Delta (UK), Friends of the Earth, OILwatch, Project Underground, Right Livelihood Foundation, Article 19, Essential Action (USA), Africa Fund (USA), American Friends Service Committee, Amnesty International, World Development Movement, Society for Threatened Peoples (Germany & Austria), Earth Love Fund, ECO (New Zealand), Greenpeace, Human Rights Watch/Africa, Nigerian Advocacy for Democratic and Human Rights, and many others too numerous to mention. May God Bless you all.

Our unreserved appreciation and gratitude also go to all the MEN and WOMEN of goodwill, the world over, who have the milk of humanity flowing in them. For real men are those who find the courage to tread the path of truth where lies and deceit upfur- such persons as Anita and Gordon Rodlind and the staff and customers of the Bodshop internationally, Michael Birnbaum of the Bar Human Rights Committee of England and Wales, Glensos Kinnock of the European Parliament, Peter MacDonald, President Nelson Mandela, Bill Clinton and Tony Blair of the US and Britain respectively and their cabinet, Sister Majella etc. Also the organisations such as TROCAIRE - a religious charitable group based in the Republic of Ireland, the World Council of Churches - the curator of christendom - the Unrepresented Nations and Peoples Organisation (UNPO) - a mini United Nations etc. All are the salt of the world and with people and groups like you the world will be a better and safer place for all mankind.

We also thank all the pressure groups and all those whose contribution and efforts persuaded the Government of Nigeria to effect our release. Special thanks also go to prayer and pressure groups in Ogoniland and beyond whose knees never ceased to bend and lips never ceased to talk to God on our behalf. It is our prayer that God should reward all you abundantly from His Riches in Glory.
While we are happy that we are released this day, we wish to say that our release cannot amount to freedom when OGNILAND and the entire NIGER DELTA is still under an army of occupation - a genocide squad christened the Rivers State Internal Security Task Force (RVSISTF). We hereby call for the total disbandment for this contraption. It is the perpetrator of the violation of all our rights and the degradation of our environment.

We also call on the Government of Nigeria to please address all the demands of the people of OGNILAND as enunciated in the historic document - THE OGNI BILL OF RIGHTS, for only this can signal to us the hope and sense of belonging in the ongoing programme of reconciliation and reintegration of the Abubakar-led administration. We also call on the Government to implement the recommendations of the UN fact-finding team to Ogoniland in 1996.

We wish to reiterate that even as we are released, we have been rendered almost incapacitated and rehабilitated by the judicial system due to the hostile and deplorable conditions in our torture chambers/cells at the prison. The amount of torture and inhumanity we received in the hands of Nigerian solders who were hired by *** has placed our health on the precipice. For instance Messrs. Kagbara Basseeh and Blessing Israel were arrested by Shell Police at Oron-Benson beach in Akwa Ibom State in South-eastern Nigeria. The torture received at the hands of these brutes is better imagined than experienced.

And so we are appealing to all and sundry to please help us so that we can be able to afford some medical attention for ourselves, if not our release will be a release from prison to the grave.

We thank all of you for your marvellous concerns and assistance asking that God should continue to grant us the courage to fight against injustices and oppression for all mankind.

We are:

1. Nyieda Nleidi Nasikpo
2. Sampson Ntignee
3. Nwinbari Abere Papah
4. Samuel B. Asiga
5. Paul D. Bekoe
6. Pogbara Zor-zor
7. Friday Eburuma
8. Adam Kaa
9. Godwin B. Gbodar
10. Kagbara Basseeheh
11. Blessing Israel
12. John Baribere Banatu
13. Bariture Lebe
14. Chief Babiina Vizor
15. Benjamin Kabari
16. Taaghalobari K. Monsi
17. Ngbaa Baovi
18. Baribuma Kumanwee
19. Micael Kagbara Doghala
20. Kale Beete

NB Mrs. Daughter Delosi appears here because she was threatened with the same charges as the Ogoni 20. Her release coincided with that of the 20.

While the Internal Security Task Force has withdrawn its roadblocks from Ogoni they still maintain bases there and have not been disband.
Cook Islands National Park at risk

UNTIL the 16 June 1999 election in the Cooks Islands, the Cook government was trying to renege on a 1978 Cabinet Declaration which established as a National Park Suwarrow Atoll. Instead, that government wanted to open this atoll of 30 islets to pearl farming. This could do considerable damage to both the marine and land environments. The developer, the Suwarrow Development Company (SDC) is a subsidiary of that government’s own SOE, the Cook Islands Investment Corporation (CIIC). Over the years, the government has eroded the National Park classification and the extent of the area given the status of National Park.

The election has left the Cooks in temporary political limbo as vote counting is completed and coalition finding is underway. The big issue now is what will the new government do? Cook’s conservationists are asking for help in raising the matter internationally and pressing for the plans for pearl farming to be relocated to the island of Penrhyn (in the Cooks Northern Group) which already has a hatchery and settlement and is already modified ecologically.

Suwarrow – or more correctly Suvaro – lies 16 degrees South of the equator, has a very deep lagoon of 133 km² with a continuous volcanic atoll rim over 10 km in circumference capped with massive corals and encrusting coralline algal ridges. There is no potable water. The atoll has never been permanently settled by humans – only visited by transients. The highest point, on anchorage, is just 3m. There is no infrastructure except a coral jetty. The atoll is 17km by 15 km and lies between the Northern and Southern Group islands.

Humans may not have settled there, but Suwarrow is integral to the lives of a variety of marine including many fish and sharks, sea cucumbers, crayfish, sea urchins and giant clam, seabirds, coconut crabs and the endangered Green Turtle which nests on Suwarrow. The black tipped pearl oyster is present and is thought to be genetically distinct from other populations in the Cooks. Genetic contamination is a significant likely risk from pearl farming with spat from the Penrhyn hatchery being brought in.

A 1992 report says there were nearly half a million birds of 13 species on the islets. Bird species include the Great and Lesser frigate birds, the masked, brown and red-footed booby, the sooty and the white terns, the black and the brown noddiess, plovers, reef herons, various others and the endangered Bristle-thighed curlew a migratory visitor. The endangered humpback whale is also a migratory visitor.

The Environmental Impact Assessment (EIA) predicts harvesting of the turtles and their eggs by those working on the project and suggests this species could be negatively impacted. Suwarrow is also home to the Hawkbill turtle.

With the future uncertain in the wake of the elections on 16 June, the big question is whether the new government will continue the policies of Prime Minister Sir Geoffrey Henry - who has also been the Minister for the Environment - to develop Suwarrow. His Government declared void the national park status, not-with-standing the fact that it has been listed in the UN directory of protected areas as a National Park since its Declaration by Cabinet minute in 1978.

Henry’s government wants three pearl farms at Suwarrow, but voluntarily agreed to the commissioning of an EIA, not otherwise required because the Cook’s environmental law applies only to Rarotonga. The EIA, completed by Black Pearls Inc of Hawaii, was however not to be submitted to the Cook’s environmental agency for assessment – instead the Suwarrow Development Company says it will assess it!

Under the project, if it proves viable about which there is some doubt, economic benefits claimed include jobs and some form or royalty or other payment to the government plus GST and other taxes.

Marine farming on a large scale is planned. The impacts of the farming itself are likely to be considerable but will be added to by the impact of 100 people being accommodated at Suwarrow and the risk of introductions of further alien species are significant. Wildlife is expected to suffer significant depletion and disturbance from being hunted but also from the impact of settlement. The largest islet, Anchorage is not much bigger than one floor of Te Papa Tongarewa museum – a tiny area to accommodate 100 workers.

The economic feasibility of the pearl farming is unproven, despite the enthusiasm of the government and the fact that during the 1990s it has been a US-AID project which has assisted the Cook Islands Department of Marine Resources to develop these proposals for pearl farming in the lagoon.

The Tapororoaanga Ipukarea Society, president, Jolene Bosanquet, is appealing for help. In particular she asks that the matter be raised with the Cook’s government and internationally. ECO is in the process of bringing the matter to the attention of the World Commission on Protected Areas (a commission of the World Conservation Union – IUCN), but letters, faxes or emails to the Cooks government are needed.

Contact: The Prime Minister, Cook Islands, Private Bag, Rarotonga, fax 00 682 23792

For more information, contact the ECO office (04)385-7545 or eco@redfish.co.nz or Jolene Bosanquet, Moana Sands Hotel, fax: 00-682- 22-189 or beach@moanasands.co.ck
A SLAPP in the face

STRATEGIC Lawsuits Against Public Participation, commonly known as SLAPPs, are an attempt by one party to silence critics of a political stance by threatening to or actually subjecting them to the legal process. Generally they are cases lacking legal merit or cases in which the courts are not the appropriate forum for debating the issues raised.

The result of this is people who cannot afford it being dragged through the court system, often being unable to afford a lawyer. Their impact is to dissuade critical comment or dissent, as well as shifting the debate from the merits of the political stance, a 'public' issue, to the comments or actions of the critics or dissenters, a 'private' issue. This conflict has also been characterised as the conflict between capitalism and democracy, where free political speech is in conflict with access to the courts being controlled by ones ability to pay.

Fortunately, SLAPP's have not substantially entered the jurisprudence of New Zealand on a large scale. It is probably of no surprise that such litigation began in America, spreading to Canada, the United Kingdom and Australia. It has been estimated that since their entry into regular use in the 1970's, thousands of SLAPP's have been filed in the United States.

There are two well publicised incidents in recent years in New Zealand which have been characterised by some commentators as a SLAPP. Timberlands West Coast has threatened defamation, and "interference in contractual relations" actions against Native Forest Action and more alarmingly "anyone else protesting about the felling of native trees". Tasman Pulp and Paper sought and got an interim injunction against Greenpeace to prevent their industrial assailants unfurl banners on their buildings, in a symbolic action against the threat of global warming. This injunction was considered by Greenpeace to be a SLAPP.

My plan is to write two papers on this particular legal tactic, one considering the SLAPP and its legal, ethical and political consequences, and a second to what in America is considered the SLAPPback, a counter lawsuit based on an allegation on an abuse of process. That lawsuit has been very lucrative for SLAPP victims in the US. Furthermore I will consider laws that parliament could enact to nip this assault on environmentalism in the bud.

If anybody is threatened in this way, they are welcome to contact me, as I could make it a case study in my research. I will be preparing at the end of my work a pamphlet, hopefully easier to read than my research papers which will give some practical advice for victims and potential victims.

—Quentin Davies

Quentin Davies is a post graduate Law student and an ECO exec member. He is studying the law and public participation, focusing on access to environmental justice, public participation and the resource consent process and a legal tactic called a SLAPP.

European environment charter

EUROPEAN Environment, Transport and Health Ministers have agreed to a far-reaching Charter on Environment, Transport and Health. As a result of agreeing to the Charter at the Third Ministerial Conference on Environment and Health, organised by the World Health Organisation (WHO), 16-18 June, a dramatic reduction in negative health and environmental is anticipated.

Member States will agree on principles, targets and a strategy for action to reduce the human health costs of transport. The health targets will be on air quality, injury, physical activity and noise.

The Charter proposes a wide range of local and national measures that will help to make a difference, involving transport and land-use planning, infrastructure investment programmes and policy decisions.

The benefits of cycling and walking, the simplest of transport modes – but most neglected modes of transport – are highlighted. There is good evidence that, if the sedentary population had half an hour per day of cycling or walking, the prevalence of heart disease, obesity and diabetes would be halved.

Key concerns behind development of the Charter were the fact that accident rates are unacceptably high, links between air pollution and respiratory and heart disease, pervasive and damaging noise problems, health and social benefits of non-motorised transport modes.

(Source: www.who.dk/london99)

Ministry mags

A REMINDER of regular publications available from various Government agencies.

Environment Update is published 5 times a year and is available free from the Ministry for the Environment, P O Box 10-362, Wellington, or from their web site at www.mfe.govt.nz

Rural Bulletin is published by Ministry of Agriculture and Forestry in association with the Department of Internal Affairs. Contact MAF at P O Box 2526, Wellington, and is full of various bits of information - some useful, some not.

The PCE News Sheet is a brief newsletter outlining the Parliamentary Commissioner for the Environment's work. Available from the PCE, P O Box 10-241, Wellington.

DOC produces the Distribution Memo—a monthly one-sheet update of publications available from the Science and Research Unit. RareBits is an informal newsletter dealing with threatened species work and ConScience is their Conservation Science newsletter. Contact the science publications section of the Science and Research Unit, DOC, P O Box 10-420, Wellington.

MAF produces a number of publications: Biosecurity covers biosecurity and animal health issues, inquiries to MAF Regulatory Authority, P O Box 2526 Wellington, e-

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mail biosecurity@maf.govt.nz Phytozone deals with issues in forestry and horticulture, at the above address or e-mail phytozone@maf.govt.nz

The Ministry of Science, Research and Technology produces SciTech, to get on the mailing list write to Communications Adviser, MORST, P O Box 5336, Wellington, or fax 04 471 1284, e-mail talk2us@mors.govt.nz

The Energy Efficiency and Conservation Authority produces the quarterly glossy Energy-Wise News, with a cover price of $5.95 – an annual sub is $20 from EECA, P O Box 388, Wellington or e-mail info@eeca.govt.nz. The EECA Update newsletter is also available from this address.

The Environmental Risk Management Agency’s regular newsletter The Bulletin is their formal record of applications and decisions. Contact ERMA at P O Box 131, Wellington or e-mail enquiries@ermanz.govt.nz.

The Ombudsmen Quarterly Review provides information and reviews cases investigated by the Office of the Ombudsman. It often contains useful pointers for users of the Official Information Act.

The Maritime Safety Authority of New Zealand produces Clean Seas with information on oil spill pollution and response. Contact the MSA at P O Box 27006, Wellington.

NIWA produces the quarterly Aquaculture update, available from P O Box 14 901, Wellington, and Water and Atmosphere available from NIWA, Private Bag 99 940, Newmarket, Auckland, or e-mail j.smith@niwa.cri.nz.

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