Election Editorial

Environmental commitment is crucial

IN THE WEEKS leading up to the 1999 General Election on November 27th there is still an opportunity for voters to raise environmental issues to ensure a government is elected that will provide strong role environmental leadership.

As is detailed in the Vote for the Environment analysis there is a clear division between a National/ACT coalition which is likely to have a weak commitment to the environment and a Labour/Alliance/Greens coalition which promises strong environmental policies.

Although there is the customary focus on health, employment, and political parties are giving some attention to environmental issues as they parade on the hustings.

In past weeks the National Government has announced a number of environment policy initiatives, many of which have been years in gestation. For instance, Conservation Minister Nick Smith has announced the $800,000 expansion of the Tongariro National Park Whakapapa Visitors’ Centre, something Forest and Bird has described as a luxury conservation can ill afford. At the Oira Viaduct opening Minister Smith gave the thumbs up to the completion of the new structure as a good example of how road building impacts on the conservation estate can be managed.

Despite these announcements a number of major environmental issues have not been well dealt with by Cabinet. Stories in this issue of Ecolink detail the Government’s lack of progress with the introduction of major climate change initiatives and completion of the Biodiversity Strategy. National has yet to indicate whether it will release a comprehensive environmental or conservation policy prior to the election.

Both major parties have presented mixed messages on the environment.

Speaking at the launch of National’s election campaign Jenny Shipley took a swipe at conservationists, stating that National “…will not allow a few extremists to lock up our land, sea and forestry resources for no good reason. We believe that sustainability is not only a credible economic approach, it’s also fair to New Zealanders as it allows them to unlock the potential of the resources that make us unique as a country.”

A National policy brochure released on November 1st reiterates this pro-exploitation stance. The Party’s priorities related to protection of the environment are based on the need to achieve ‘sustainable prosperity’. Any environmental protection is subject to the caveat that action will only be taken “…while doing the least damage to the economy.”

Labour has been sending contradictory signals about its approach to the environment. This perhaps emphasises internal divisions within the party, with anti-environmental MPs attempting to re-litigate hard-won policy positions.

Continued over page

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The possibility of Labour vacillating on protection West Coast forests policy drew a swift response from environmental groups. Having made a firm commitment that it would cancel Timberlands contracts for beech forest logging, at the launch of the Party’s West Coast Development Policy Michael Cullen said that the eight year contracts for the logging of rimu would not be overturned. Since this initial statement Labour has somewhat clarified its position. A letter from the Labour Party said that while the rimu contracts may be carefully drafted, the party none the less wishes to find a way to end the logging.

The other parties have been reasonably quiet on conservation and environmental issues. The Alliance released its policy with a minimum of fanfare. The policy sets out key policy commitments of the party, but does not go into depth about issues facing the conservation estate. There is still no sign of an environmental policy. The Green’s have also launched a reasonably comprehensive environmental and conservation policy. Neither ACT, United nor NZ First has released an environment or conservation policy.

Now is the time for pressure to be put on political parties. Whatever the persuasion, what is important is that there be a strong commitment from all parties to effective environmental management. It is a call that needs to be raised at every opportunity.

— Stephen Blyth

Legislative wrap up

WHEN Parliament rose for the election in October there were six important pieces of legislation carried over to the next Parliament. These are:

- **Hauraki Gulf Marine Park Bill**: This Bill which proposes the establishment of a clayton’s Hauraki Gulf Marine Park was not passed before the election. The marine park to be established would not affect fishing or pollution controls under the Maritime Transport Act. This would leave major elements of marine management outside of the Park and legislative structure. An additional concern is that the objectives and principles of the Act could undermine the purposes and principles of the Resource Management Act. ACT have called for the Bill to be dropped while Labour have called for the strengthening of the Bill.

- **Wildlife (Penalties) Bill**: This private members bill introduced by Labour’s Jill Pettis increases fines under the Wildlife Act to levels equivalent to penalties in other similar legislation. The current penalties for killing kiwi or other protected birds are $1,500 and $100 for each additional bird and have not changed for nearly 20 years. Hearings have been held on submissions but the Transport and Environment Select Committee has not reported this Bill back to Parliament.

- **Resource Management Amendment Bill**: This Bill which has been reported on in past issues of ECOLink is a major threat to the environmental and sustainability provisions of the Resource Management Act. Submissions closed on 1 October but no hearings have been held by the Transport and Environment Select Committee. It will be up to the new Committee to determine how or whether this Bill progresses. ACT have argued that the Bill should be amended to further weaken public participation. Labour, Alliance and the Greens voted against its introduction.

- **Resource Management (Costs) Bill**: This is a private member’s Bill introduced by Alliance’s Sandra Lee to reduce the risks of costs being awarded against environmental or community groups taking action under the RMA. Submissions have closed on this Bill but hearings have not been held. ACT opposes this Bill and the position of National is unclear with Christine Fletcher and Denis Marshall retiring.

- **Energy Efficiency Bill**: This private members Bill was introduced by the Green’s Jeanette Fitzsimons proposes to give legislative weight to the removal of barriers to energy efficiency. Development of the Bill is an example of what MMP can offer, with a the Transport and Environment Select Committee rewriting the Bill in a way that gained support from all parties except ACT.

- **Hazardous Substances and New Organisms Bill**: Prior to Parliament rising in October the National Government introduced an amendment to the Hazardous Substances and New Organisms Act. This Bill was cooked up after secret discussions between National Cabinet Ministers, ERMA and the chemical industries. The Bill was referred to the Transport and Environment Select Committee but no closing date for submissions has been set. The Bill contains a mixture of technical changes and changes that will reduce public involvement in hazardous substances management (e.g. clause 8). The Bill puts back the implementation of the hazardous substances provisions of the HSNO Act for at least another year.

Biodiversity Strategy abandoned

CABINET has failed to agree on a New Zealand Biodiversity Strategy after public consultation occurred earlier this year. The defeat in Cabinet of the proposed Strategy is a major setback to National’s Minister for the Environment, Simon Upton, and Minister of Conservation, Nick Smith.

A push by Federated Farmers to scuttle the Strategy and proposed National Policy Statement under the Resource Management Act was supported by National’s rural Cabinet Ministers. ACT has also spoken out against the Strategy and the national policy statement.

The Strategy is a requirement of New Zealand’s participation under the 1992 Biodiversity Convention. The draft Strategy released in December 1998 highlighted the sorry state of New Zealand indigenous biodiversity and the need for extra funding for the Department of Conservation.
No major policy on climate change

PROPOSALS for a major initiative to combat climate change were rejected by the Cabinet in mid October. Minister for the Environment, Simon Upton, failed to gain cabinet approval to take action on greenhouse gases despite New Zealand’s worsening emissions record.

Options put forward in a discussion document in early 1999 included the introduction of a carbon charge and/or a tradable permit regime. Both the Ministry of Commerce and Treasury opposed these initiatives and their ‘do-nothing’ approach seems to have swayed Cabinet.

This failure to agree on a carbon charge or tradable permit regime will increase the likelihood that New Zealand will not meet its international obligations under the Kyoto Protocol and the Framework Convention on Climate Change. New Zealand is committed to a stabilisation of greenhouse gas emissions by the period 2008–2012.

The only initiative that gained Cabinet support was a small amount of extra funding for the Energy Efficiency and Conservation Authority (EECA), which has had its budget slashed over the last two years. EECA’s work on energy efficiency has been the only concrete initiative taken by the National Government to reduce greenhouse gas emissions.

New Zealand wins international fossil of the day

At the recent climate change negotiations in Bonn New Zealand had the dubious honour of winning the “fossil of the day” award from the international conservation community for being one of the most obstructive participants. New Zealand beat Saudi Arabia which was nominated for general obstruction at climate negotiations, and Canada who was nominated for promoting nuclear power as a solution for developing countries to reduce greenhouse gas emissions.

The citation was for New Zealand for increasing its emissions by 30% after promising to cut them by 50%.

Wind energy grows

Last year, wind energy was the fastest growing energy source in the world with an average 40.2% growth worldwide over the past six years. More than 50 countries each have over 10,000 megawatts of installed wind power capacity. This compares to New Zealand’s total installed capacity of around 6,500 megawatts. Denmark has a target of supplying 50% of electricity consumption with wind by 2030 and has already reached 10%. Among major barriers identified to wind energy are subsidies for fossil fuel and nuclear power and institutional barriers.

From: Climate Action Network, 27 October 1999

Update on international climate talks

The 166 parties to the Kyoto Protocol and the Framework Convention on Climate Change agreed at its recent meeting in Bonn to a process which will see the protocol coming into force by 2002. If this target is met it will be 10 years since the Rio Summit on environment and development where the Framework was originally agreed to.

A first step in reaching this target is completion of the outstanding details of the 1997 Kyoto Protocol by the next conference in November 2000 at the Hague, Netherlands.

This agreement came despite reservations from the US, Australia and Canada and objections by Saudi Arabia and Kuwait. Japan, New Zealand and the EU supported ratification by 2002. Despite agreement on the process there was slow progress on enforcement arrangements and emissions trading under the protocol.

Genetically engineered maize won’t be grown in New Zealand, despite gaining approval

DESPITE the Environmental Risk Management Authority’s (ERMA) decision to approve an application from Pioneer Ltd. to grow genetically engineered maize in Pupekohe, the crop won’t be planted this summer. ERMA’s decision has come too late in the growing season for Pioneer to go ahead with the crop this year. Pioneer commented that it might not go ahead next year also, due to dropping requirements internationally.

“The fact that we now won’t face potential genetic pollution from this crop is the result of timing of this decision, not the result of strong regulation,” said Tricia Allen, Campaigns Director of Greenpeace. “ERMA have not yet turned down a single application for a genetically engineered crop. The fact that ERMA gave this one the thumbs up, despite their own claims that further research still needs to be done into the biodiversity impacts of Bt maize, demonstrates the failure of ERMA as a credible regulatory body. This crop has been banned in Austria, but is now approved in New Zealand.”

GE insect resistant (Bt) maize hit the headlines in May when research from Cornell University, USA, published in Nature magazine, showed that pollen from Bt maize was lethally dangerous to monarch butterfly larvae.

Japan sets out to kill 440 whales

JAPAN has set out to kill up to 440 whales in the Southern Ocean whale sanctuary around Antarctica, according to Greenpeace. The kill would be in breach of international law and should be stopped, said Greenpeace oceans campaigner Sarah Duthie. “It is an outrage that on the brink on a new millennium whaling fleets are still plundering the seas in complete disregard of international law.”

A whaling fleet, comprising a factory ship, three catcher ships and a spotter vessel, left south-eastern Japan on November 9, headed for Antarctica. Greenpeace called on the New Zealand Government to formally demand Japan cancel its whaling programme. Japan claims the kill is for scientific research, a stance condemned by the International Whaling Commission.
Government fishing plans flawed

THE MARINE Sciences Society has joined conservation groups in questioning proposals to give the fishing industry greater control over fisheries management.

Documents obtained under the Freedom of Information Act reveal that the Government is accelerating moves to hand over fisheries management to the fishing industry.

A secret Government working party made up of representatives from the Ministry of Fisheries, the Treasury, the Sea Food Industry Council, and the Waitangi Fisheries Commission (Te Ohu Kāi Moana) made a range of recommendations on fisheries cost recovery and management. The group has proposed that the fishing industry undertake research required by the Minister to set Total Allowable Catches (TACs) and make decisions on the management of the marine environment. These powers include managing the process of selecting researchers and the data collection processes for the monitoring of the entire fishing industry’s activities (catch-effort data collection and recording).

The working group advised the Government to give the fishing industry control of all its functions except enforcement of laws and regulations of the Quota Management System. Without any public consultation on these proposals Cabinet have referred these proposals to the CEO of the Ministry of Fisheries to incorporate into the Ministry business plan.

Russ Babcock, President of the Marine Science Society said the papers showed a Government captured by the fishing industry which intends to press ahead with an exceptionally hazardous strategy for management of a public resource.

“One particularly disturbing revelation is that while the Governor General may revoke or amend the right of quota holders to carry out devolved functions, this can only happen with the agreement of the quota holders! One must question the degree to which this represents an adequate safeguard for national resources.”

The process of devolution is being pushed forward for implementation in 2000/01, however it would seem extremely foolhardy to do this while standards and specifications for devolved functions have yet to be established.

Mr Babcock said the NZ Marine Sciences Society finds this approach nothing short of reckless. “The NZ Marine Sciences Society questions the ability of the Minister of Fisheries to recognise when he is being given highly selective advice.”

“We note the evidence of perverse economic incentives that fishers have, to over-exploit fish populations. This evidence comes from the economic literature and decades of observations of fishing industry behaviour. The Treasury economists and the Ministry of Fisheries never discuss or rebut this evidence.”

“As scientists, who constantly have to front up to rigorous peer review, we find it amazing that the kind of advice offered by the Ministry of Fisheries and the Treasury to politicians is often narrow, unsupported by analysis, and originating from industry lobbyists. This advice does not contain a full canvassing of the issues nor of alternative views. It also does not contain a comprehensive risk assessment of the danger to sustainable use of New Zealand’s fish stocks.”

ECO endorses the criticisms made by the Marine Sciences Society and calls on the Government and other political parties to openly to openly debate these issues and continues to run a system which has the Ministry of Fisheries in charge of fisheries research and management.

Hector’s dolphin face uncertain future

NEW ZEALAND’S endemic Hector’s dolphin could go extinct in the North Island if action is taken according to new scientific evidence. Researchers from Auckland University have estimated the North Island population at fewer than 100 individuals and found it genetically different from other Hector’s dolphin populations.

Gillnet entanglement is the main cause for the decline of the dolphin around the New Zealand. The main populations are on the East Coast and West Coasts of the South Island. The total population is estimated at no more than 3 or 4 thousand dolphins.

Protection of the North Island population requires the cessation of set netting between Hokitika Harbour and Wanganui River. One way of achieving this would be to establish a marine mammal sanctuary over this area thus offering protection to the dolphin. A similar sanctuary around Banks Peninsula has shown a positive effect on dolphin populations.

ECO supports moves by the Minister of Conservation, Nick Smith, to declare the dolphin a threatened species. This proposal is not supported by the fishing industry.
Spirits Bay/Tom Bowling Bay
– a half measure of protection

UNDER pressure from ECO, Ngati Kuri and others, the National Government’s Fisheries Minister, John Luxton, has finally taken a half measure to give some protection to Spirits Bay and Tom Bowling Bay between North Cape and Cape Reinga. Dredging, trawling and Danish seining have been banned from an area broadly between the 50 metre and 70 metre depth contours. Tweaking of earlier proposals by the Minister will allow two of the three existing trawl tracks at issue to continue to be fished.

ECO is relieved that there is finally some protection over the area of the greatest sponge diversity but the area protected is too small: it should extend from the shore at least to 30m depth and beyond 70m to protect other species at these other contours. In essence the Minister’s action is akin to taking a highly diverse ecosystem and only protecting the biota in a certain altitude strip and nothing higher or lower.

The interim report of a study by NIWA scientists on biodiversity in January 1999 showed highly diverse biota both shorewards and in deeper water. Given that their final report report, due at the end of November, is expected to underline the richness of the ecosystem ECO cannot understand the limited area of the protection given. We are pleased it is a regulatory closure, but it is reviewable so the protection that has been granted is not secure.

The Minister’s decision notes that scallop dredging has probably caused the massive decline in sponge and hydroid diversity in area 93 – previously known as the “sponge garden,” which has been greatly damaged. Had the Minister taken action early 1998 when we first pressed him to, this loss would have been avoided. He and the scallop dredgers who have insisted on continuing fishing there despite the known biological values must examine their consciences – particularly as at least one species has disappeared from the area, the only place it is known to have existed.

Deplorably, the Minister has not used the emergency powers available under the fisheries Act. Having informed people on 23 September 1999 of his decision to close the area, the Minister did not promulgate regulations until late in October and these did not take effect until 13 November. In the meantime vessels have continued to fish the area – despite the collapse of the scallop stocks where the density of scallop stocks, by the Minister’s own admission, has declined dramatically.

Support for orange roughy boycott grows

THERE is growing international awareness of the perilous state of orange roughy populations. Support for a consumer boycott of New Zealand orange roughy has been bolstered with the internationally renowned Monterey Bay Aquarium asking consumers to not to buy long-lived fish.

The Monterey Bay Aquarium is disseminating information on sustainable and non-sustainable sources of fish through its website. Orange roughy, Patagonian toothfish and southern bluefin tuna are among species the aquarium is asking fish consumers to avoid. Action by the Aquarium follows an announcement earlier this year by a major US grocery chain, Wild Oats, to stop selling orange roughy. Wild Oats have more than 75 stores nation-wide. In Australia the Victoria National Parks Association has also been promoting a boycott of New Zealand orange roughy and has prepared a report on fish product.

For further information see www.montereybayaquarium.org

“Think Big” Oceans Conference panned

ENVIRONMENTALISTS panned a exploitative oceans conference held in Wellington in October. The conference, Oceans Opportunities – The Next Great Economic Frontier, reflected a 1970s approach to marine management rather than a turn of the millennium reality.

As ECO has outlined before, marine management in New Zealand needs urgent revision to refocus it on an ecosystem approach. The approach taken by conference organisers, the Centre for Advanced Engineering (CAE), is a recipe for continuing failure. Instead of seeing the sea as an ecosystem, its focus was just on mining minerals, fish, tourists and genetic material.

Environmental considerations were given little attention at the conference, with dark age like exploiters putting their case for opening of the oceans.

Demonstrators outside the conference in Wellington
CCAMLR weak on fisheries and albatrosses protection

THE FUTURE of the Patagonian toothfish hangs in the balance despite a trade initiative agreed to by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) in early November.

The twenty-three CCAMLR governments failed to take the emergency action needed to stop pirate fishing of toothfish and the decimation of albatrosses: a moratorium on fishing. Instead, CCAMLR continued to set substantial commercial fishing quotas even though its own scientists admit they know even less than last year about the extent of pirate fishing and its impact on the toothfish and albatross populations.

Scientists estimate pirate fishers kill more than 60,000 Southern Ocean albatrosses and petrels each year and that if pirate fishing does not stop the Patagonian toothfish will be driven to commercial extinction in less than two years.

“CCAMLR countries have bowed to the very short-term interests of their commercial fishing industries at the expense of the Antarctic marine ecosystem,” said Denise Boyd of Greenpeace. “Instead of taking the tough decisions to avert an environmental crisis, they have shown the world that they are in the business of managing species into extinction.”

Governments have shown they are willing to sacrifice Antarctica’s fragile ecosystem simply to supply a luxury product to exclusive restaurants in Japan, the United States and Europe.

The Commission finally agreed this week to implement a catch documentation scheme for those fishing for Patagonian toothfish under CCAMLR rules. The scheme will allow for monitoring of part of the trade in toothfish but it does not allow for verification of where fishing vessels from countries not members of CCAMLR say they caught their fish.

This initiative is seen as just one step towards stopping pirate fishing for toothfish by the Antarctic and Southern Oceans Coalition of New Zealand (ASOC-NZ). However, loopholes in the regime mean it alone will not save the Patagonian toothfish from commercial extinction.

ASOC-NZ is calling on the New Zealand Government to take action using other measures, including nominating the toothfish for protection under the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).

The need for declaration and enforcement of a moratorium on fishing for toothfish is also urgently needed. The moratorium must stay in place until the illegal and unregulated fishery has been stopped, the remaining toothfish stocks have been assessed by scientists as able to support a commercial fishery, and regulations are in place to adequately manage any “resumed” fisheries.

Concern was also expressed at the CCAMLR meeting at the high level of bycatch in the New Zealand toothfish fishery in the Ross Sea region this year. Some non-target species catch in the Dissostichus mawsoni and D. eleginoides fishery was up to 75% of the total catch. In addition up to 75% of the mawsoni (one of the species of toothfish) caught were juveniles.

The ecological sustainability of such fishing activities when non-target species form such a high proportion of the catch is questionable, and when a high proportion of the targeted fish are juveniles. Based on the information available, perhaps this should be more correctly termed a gendier fishery!

Suwarrow Atoll National Park – saved (for now)

CONGRATULATIONS to the Cook Islands Government, Prime Minister Williams and the Taporoporomga Ipukarea Society of Rarotonga and other NGOs for the government’s decision to safeguard Suwarrow (Suvarov) Atoll. The Atoll, which has never been permanently settled, was threatened by the proposed establishment of a pearl farm that would have brought 100 people to live there.

The new government has not only announced that the pearl farm will not go ahead but also that the National Park status will be more firmly established.

Congratulations too for the announcement that the environmental agency, hitherto not a creature of statute, will become a Ministry for the Environment with its own statute. Cook’s environmental management will be more assured after this – so long as the present government survives.

It is regrettable that the feasibility study for the pearl project was originally funded by USAid. The project was pushed by a company that is a subsidiary of a government company.
Antarctica and climate change

Excerpts from Bill Clinton's speech at the Antarctic Centre in Christchurch in September

"THE OVERWHELMING consensus of world scientific opinion is that greenhouse gases from human activity are raising the Earth's temperature in a rapid and unsustainable way. The five warmest years since the 15th century have all been in the 1990s; 1998 was the warmest year ever recorded, eclipsing the record set just the year before, in 1997.

"Unless we change course most scientists believe the seas will rise so high they will swallow whole islands and coastal areas. Storms, like hurricanes, and droughts both will intensify. Diseases like malaria will be borne by mosquitoes to higher and higher altitudes, and across birders, threatening more lives, a phenomenon we already see today in Africa.

"A few years ago hikers discovered a 5,000-year old man in the Italian Alps. You might think someone would have noticed him before. They didn't because the ice hadn't melted where he was before - in 5,000 years. If the same thing were to happen to the West Antarctic ice sheet, God forbid - it's a remote threat now, but it could occur one day - and if it did, sea levels worldwide would rise by as much as 20 feet. If that happens not even Augie Auer will be able to save us from the weather.

"In 1992, the nations of the world began to address this challenge at the Earth Summit in Rio. Five years later, 150 nations made more progress toward that goal in Kyoto, Japan. But we still have so much more to do. America and New Zealand, in no small measure... because of our understanding of the significance of Antarctica and the work we have done here to make this a refuge of scientific inquiry, have special responsibilities in this area.

"Of course, we have a big responsibility because America produces more greenhouse gases than any other country in the world. I have offered an aggressive program to reduce that production in every area. We are also mindful that emissions are growing in the developing world even more rapidly than in the developed world, and we have a responsibility there.

But I want to say today... the largest obstacle to meeting the challenge of climate change is not the huge array of wealthy vested interests and the tens of thousands of ordinary people around the world who work in the oil and the coal industries, the burning of which produce these greenhouse gases. The largest obstacle is the continued clinging of people in wealthy countries and developing countries to a big idea that is no longer true - the idea that the only way a country can become wealthy and remain wealthy is to have patterns of energy use that brought us the Industrial Age. In other words, you're not getting richer; you're not creating more jobs; you're not lifting more children out of poverty. That is no longer true.

"We now know that technologies that permit breathtaking advances in energy conservation, and the use of alternative forms of energy, make it possible to grow the economy faster while healing the environment, and that, thank God, it is no longer necessary to burn up the atmosphere to create economic opportunity.

"We have somehow got to convince a critical mass of decision makers and ordinary citizens in every nation of the world that that is true. It will help to concentrate their attention if the people who know about Antarctica can illustrate, year in and year out, in graphic terms, the consequences of ignoring climate change and global warming.

"The Antarctic is a great cooling tower for our planet, a great learning tool for our planet's scientists. What happens to it will determine weather all over the globe, and will determine the patterns of life in the children here in this audience and certainly of their children and grandchildren. It is a bridge to our future and a window on our past.

"Right now the ice is two miles thick and goes back more than 400,000 years. By studying the patterns of the past, scientists will be able to tell us what will likely happen in the future and how we are changing the future from the past based on what we are doing.

"So much of what we know today from global climate patterns comes also from satellite images. But scientists have never had detailed images of key parts of the Antarctic to work with until today. So I want to come here with one small contribution to the marvellous work that all of our people are doing here. Today America is releasing once classified satellite images of the Antarctic's unique dry valleys. These pictures provide two sets of images taken 10 years apart and provide some of the most detailed and important information we've ever had on these ecological treasures.

"Last month, Vice president Gore did the same thing for the Arctic. Both these releases will help, scientists understand changes taking place at the poles, and help us take another step toward meeting the challenge of a warming planet."

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The WTO and the environment

REFERENCES in New Zealand to the upcoming World Trade Organisation Ministerial meeting in Seattle, 27 November to 3 December 1999 have concentrated almost exclusively on how discussions will benefit our export trade. The relationship between the environment and trade, and other critical issues have not rated a mention.

Overseas there is mounting opposition to the trade liberalisation agenda of the World Trade Organisation (WTO) based on the negative social and environmental impacts of free trade. Worker safety, labour rights, fair distribution of wealth and environmental protection are all seen as being undermined by the WTO.

To draw attention to these issues demonstrators from a wide range of groups around the globe are converging on Seattle in their tens of thousands. As Chris Runyan of the World Watch Institute recently said "The biggest story in Seattle may not be the WTO and its trade negotiations, but the influence that citizen protests around the world, coordinated by thousands of NGOs, exercise over one of the most powerful yet least accountable trans-national organizations."

There have been a number of rulings in the WTOs dispute resolution process which are indicative of how trade overrides environmental legislation (see Box 1). In all cases the decisions made are bad for the environment. A similar story can be told in relations to the concerns of labour movements and developing countries.

The WTO was described in a recent Ecologist article as an international bill of rights for multinational corporations. In essence, the agreement limits governmental law-making and regulatory authority giving corporations freedom to conduct their business virtually unhindered. The ability of sovereign nations to undertake their political and social agenda is increasingly threatened.

A key issue is the undemocratic way the WTO works. The lack of transparency and accountability is epitomised in the WTO Dispute Settlement Process. Challenges to laws and regulations considered to violate WTO rules are heard

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**Box 1 - The Anti-Environmental Bias of the WTO**

The following examples from "A Citizens Guide to the World Trade Organisation", published by the Public Citizen Working Group on the WTO/MAI (July 1999), illustrate the anti-environmental bias of the WTO.

**US Clean Air Act**

Case: On behalf of its oil industry, Venezuela challenged a U.S. Clean Air Act regulation that required gas refiners to produce cleaner gas [petrol]. The rule used the 1990 actual performance data of oil refineries required to file with EPA (mostly U.S. refineries) as the starting point for required improvements for refineries without reliable data (most foreign). Venezuela claimed this rule was biased against foreign refiners and took the case to the WTO.

Result: A WTO panel ruled against the U.S. law. In 1997, the EPA changed the clean air rules to give foreign refiners the choice of using an individual baseline (starting point). The EPA acknowledged that the change "creates a potential for adverse environmental impact."

Implication: Refiners from Venezuela and other countries will use the individual baseline option only if it gives them a weaker starting point, and thus lets them sell dirtier gasoline [petrol] in the U.S., which would deteriorate air quality.

The WTO gives businesses a special avenue to challenge policies, like the Clean Air rules, which have withstood domestic challenges.

**European Union Beef Ban**

Case: The U.S. challenged a European Union ban on the sale of beef from cattle that have been raised with certain artificial growth hormones.

Result: In 1998, a WTO appellate panel ruled against the EU law, giving the EU until May 13, 1999 to open its markets to hormone-treated beef.

Implication: The ban on artificial hormones applies equally to European farmers and foreign producers. If European consumers and governments are opposed to the use of artificial hormones and are concerned about potential health risks or want to promote more natural farming methods, they should have the right to enact laws that support their choices. Instead, the WTO empowers its tribunals to second-guess whether health and environmental rules have a "valid" scientific basis.

**Turtle Protection by the US**

Case: Four Asian nations challenged provisions of the U.S. Endangered Species Act forbidding the sale in the U.S. of shrimp caught in ways that kill endangered sea turtles.

Result: In 1998, a WTO appellate panel decided that while the U.S. is allowed to protect turtles, the specific way the U.S. tried to do so was not allowed under WTO rules. The U.S. government is now considering ways to change the law to comply with WTO.

Implication: It is possible to catch shrimp without harming turtles by fitting shrimp nets with inexpensive "turtle excluder devices." U.S. law requires domestic and foreign shrimp fishermen to use turtle-safe methods. The goal of saving turtles could be undercut by the WTO's second-guessing of how U.S. policy should be implemented, given the most inexpensive, effective means has been ruled WTO-illegal.
in secret by a three person panel. Should a country not amend the law or policy in question or pay compensation then it can face non-negotiated trade sanctions.

At the Seattle meeting WTO members will elaborate the "built-in agenda" of negotiations on agriculture and services (GATS), and consider adding further issues such as industrial tariffs and investment. Members will also be negotiating whether and how to address issues like trade and environment, and what to do with recommendations and proposals stemming from existing and future WTO review processes, such as that on the dispute settlement mechanism.

Even the WTO is beginning to recognise the negative impacts of trade. In a report on environment and trade published in October, the WTO admitted that there is a need for international safeguards on the environment because "market sources cannot be entrusted to so solve all problems themselves." It also concluded that "Environmental measures are sometime defeated because of concerns about competitiveness, suggesting a need for improved international cooperation on environmental issues."

Despite acknowledgment of these concerns the WTO's Committee on Trade and Environment (CTE), charged with integrating the environment within trade, is criticised for being ineffective. WWF reviewed the Committee's effectiveness and concluded that it is not serious about the environment. Among criticisms were: generation of policy is slow and partial; the CTE is trying to go it alone on key trade and environment issues "...assuming or implying that the WTO is the ultimate arbiter on this policy interface," and trade liberalization is seen as the only means to pursue "sustainable development," failing to acknowledge that effective environmental policies are necessary too.

WWF is calling for comprehensive reform of the WTO, so that it becomes a fair, environmentally friendly and publicly credible international organisation. WWF believes that unless the following broad changes are achieved, the world will not have the rules-based multilateral trading system needed to create a sustainable world economy.

There are three key areas where change is sought:

- protection of the ability of nations to set environmental laws and regulations: currently environmental laws can be challenged as being Technical Trade Barriers (TBT) therefore countries can be forced to modify these. The TBT is no based on the precautionary approach. In addition, there is a difficulty for countries setting higher standards than international norms.

- ensuring international environment agreement are not overrideren by trade," according to the WFF the Convention on Biological Diversity, Basel Convention on Hazardous Wastes, the Persistent Organic Pollutants Agreement and Biosecurity Protocol provisions on trade in Genetically Engineered Organisms are all considered to be under threat. It is important that members of Multilateral Environmental Agreements (MEAs) can use non-protectionist trade restrictions to make those agreements effective.

- openness and democracy with WTO processes must be enhanced. This could include the following measures: pre-circulation of documents, including agendas and papers; legal aid; observer status for nations and NGOs affected by disputes, with a right to self-defence.

Some other areas signalled for change by WWF include: increasing benefits to poorest countries and communities from trade and the associated exploitation of natural resources and ensuring that all relevant WTO agreements make explicit reference to the need for appropriate national policies and measures to stand alongside trade rules so that liberalisation supports the objective of sustainable development. Reducing harmful subsidies, such as those received by fishing, agricultural and energy industries, is one possible outcome of trade talks (see Box 2).

One commentator suggests there are reasons to be optimistic. Steven Shrybman of West Coast Environmental Law and author on WTO suggests that the goals of reducing pesticide use, species protection, creating parks and controlling pollution are important "...but we need now to move beyond the symptoms to tackle the root causes of these problems." The challenge presented by this broader agenda is immense. Some are arguing that another WTO round not be embarked on until there is a guarantee these fundamental issues will be addressed.

A critical step of any future trade liberalisation negotiations is that any proposed agreement be subjected to an assessment of the potential social and environmental consequences. This could occur at both a national and international level. This is something that New Zealand NGOs sought with earlier rounds of trade talks. The argument put was that no agreement should be entered into which weakens ability to protect the environment, or if its impact is unknown.
ECO, and other Vote for the Environment members, are asking political parties to give high priority to greening the WTO. Key policies proposed include a call to:

a) ensure environmental protection is the over-riding constraint on trade regulation and is incorporated into the World Trade Organisation (WTO) trade rules and the work of its environment sub-committee.

b) ensure environmental conventions or domestic environmental regimes cannot be over-ridden by the WTO or other trade agreements.

Another policy proposal promotes the separation of the Ministry of Foreign Affairs and Trade into the Ministry of Foreign Affairs and a new Trade entity so as to reduce the trade dominance of NZ's foreign affairs.

We've got a long way to go before these policies are adopted so work needs to be done to raise awareness of environmental concerns. It is important there is a vigorous debate on any position the New Zealand government takes. Focusing on our export prospects to the exclusion of the social and environment consequences of trade is not adequate.

Resources

Following is a summary of useful resources to help understand what is likely will happen at the WTO in Seattle.

- www.citizen.org/pctrade/tradehome.html
US consumer NGO trade pages, interests include corporate globalization and the erosion of democracy. Included on this site “A Citizens Guide to the World Trade Organisation” (PDF file), a straightforward booklet on the WTO.

- www.corporatewatch.org/globalisation
Coverage of the various trade and investment accords which serve as the global political infrastructure for corporate rule, including the WTO. CorporateWatch are organising radio coverage of the WTO meeting in Seattle, which will be available online.

- The Ecologist
A long-time critic of global corporate agenda, the Ecologist printed a story in its July 1999 issue (Vol 29, pages 270–75) by Steve Shrybman (see WCEL below) outlining the threats of the WTO.

- www.econet.apc.org/ciel
The Centre for International Environmental Law US (CIELUS) has prepared a number of reports on trade law. In 1998 CIEL produced a joint report with Greenpeace on “Fisheries conservation and trade rules.” Some reports on CIEL's work on trade and the environment are available online.

- www.oneworld.net/campaigns/wto/index.html
Comprehensive source of news and backgrounds on the WTO from a range of environmental and development NGOs.

- www.panda.org/resources/publications/sustainability/wto-papers/
WWF have been extremely critical of the WTO and propose significant reforms of the world trade body. Resources on the WTO, including an analysis of the its Committee on Trade and Environment, and suggestions for a process to assess social and environmental impacts before reaching agreement.

- www.wcl.org/trade/welcome.html
Two guides on the relationship between trade and the environment have been published by the West Coast Environmental Law, a non-profit organization in British Columbia, Canada: “The World Trade Organisation: An Environmental Introduction” (4 pages, PDF) and “The World Trade Organisation: A Guide for Environmentalists” (82 pages, PDF).

- www.worldwatch.org
The November/December 1999 World Watch magazine has an excellent summary on the WTO and role of NGO’s by Hilary French called “Challenging the WTO” (PDF file). This article shows how the WTO undermines the environmental laws of sovereign nations. This, and other material, is available in a printed form.

Monsanto wins “Roger” award

THIS YEAR’S Roger award for the worst transnational corporation in New Zealand has been won by Monsanto. The “Roger” is awarded by the Campaign Against Foreign Control of Aotearoa (CAFCA), GATT Watchdog and Corso. An excerpt from the judges report reads:

“This US corporate giant (Monsanto) is not only seeking to control and monopolise the production of agricultural produce in the global economy, it is also responsible for promoting research and development on a wide range of genetically engineered products that have the potential to irreversibly alter and damage the ecosystems of the planet and the food supply of future generations.

“...[New Zealand] is now being pressured to become a laboratory for genetically modified organisms, the effects of which could be devastating for the environment, food supply and population. The sheer power, impact and global reach of Monsanto point to the fact that its activities in New Zealand are inextricably connected with its worldwide operations.”
Pesticides controls contested

AN ORGANIC farmer in the Wairapapa, and the Pesticides Action Network (PAN) are taking an appeal to the Environment Court against the Wellington Regional Council. They are arguing that the regional plan covering discharges of contaminants to land should have higher controls on the use of pesticides when they are placed on land (as opposed to sprayed or aerial dropped — which are covered by other rules).

The concern is that ground-based applications of pesticides include not only 1080, but other deadly pesticides such as Talon. Concern has been expressed both by MAF and by toxicologists about broadsacoum, the active ingredient of Talon, because it is accumulative (it has been found in as a residue in meat) and can be bought and used by anyone.

The ground-based applications of pesticide is undertaken frequently by people other than the regional council, and these people may not be experienced with the correct application of different pesticides.

The farmer is also concerned as an organic farmer that the use of pesticides directly conflicts with the ethic of organic farming.

The current regional plan

Pesticides includes herbicides, fungicides, insecticides, vertebrate pest control chemicals and other biocides. The proposed plan provides that where pesticide is applied to land as a solid or paste by ground-based application, it is a permitted activity provided that:

- none of the pesticides is able to enter water, either directly or indirectly
- if the label identifies the pesticide as toxic to fish it may not be laid in dry drains or within 10m of water
- if there is any accidental spillage into water the regional council must be notified
- it must be applied in accordance with the manufacturer’s instructions
- warning signs must be placed at all normal lines of approach to the application site where public land is involved, and on all land where particular pesticides are used.

The evidence required

The farmer and PAN want tighter controls and in particular a requirement that those applying such pesticides seek resource consents or in some way are required to give potentially affected people the opportunity to be aware of and comment on the ground-based application before and after it occurs.

They are seeking support for the appeal and are looking for people who can provide information and evidence on:

- the experience of using ground-based pesticides — what is commonly used in the Wellington region? How are they applied? Effects of pesticide application? Private use is of particular concern: how extensive is it? What are the possibilities for an application on one property to spread pesticide to another, either directly or indirectly (eg through poisoned animals)?
- the toxic nature of ground-based pesticides. What are the toxic effects of the main types used in Wellington? How can their toxic effects be spread in the food chain? Is there evidence of effects on non-target animals after ground-based applications?
- organic farming—how do or might land based pesticides affect organic farming—both in biological, economic and ethical terms. What are reasonable controls which are and might be considered to ensure that ground based applications do not affect organic farming?

While the Court has announced that it will set a date for hearing the case before the end of the year, negotiations are being held with the Wellington Regional Council to see if the matter can be settled by agreement. Possible solutions might involve some means for the council and other pesticide users to formally recognise the presence of organic properties through the regional plan.

Contact PAN at 04 473 3765, or email bennion@actrix.gen.nz

Greenpeace launches consumer network against GE foods

GREENPEACE has launched a Consumer Network to focus public pressure to rid GE foods from our shelves. The campaign calls for people to voice their opposition to GE foods and demonstrate support for organics.

"Neither National nor Labour are calling for the removal of GE foods from our shelves, yet over 60% of the population don’t want to eat food that’s been genetically engineered. Clearly people are going to have to vote with their stomachs on this issue, and we intend to help consumers focus their opposition to GE foods in an effective way" said Tricia Allen, Campaigns Director of Greenpeace.

Internationally consumer pressure against GE foods has had successes. In the UK, Unilever and Nestle, and the majority of major supermarkets, moved out of GE foods in April. In the USA in July, Greenpeace gained a commitment from Gerber that they will remove GE ingredients from baby foods. And just this week Greenpeace in China have succeeded in shutting the first supermarket chain in Hong Kong, ParknShop, to get rid of GE ingredients from their own brand produce.

New Zealand consumers will have to wait another year until foods that contain GE ingredients are labelled, according to the recent ANZFA ruling on GE food labelling. Yet meanwhile applications for another 13 GE ingredients are being made to ANZFA, to be included in foodstuffs to be sold in New Zealand and Australia.

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Secrets and Lies
Copies of Nicky Hager and Bob Burton's book Secrets and Lies on the role of public relations companies in the West Coast logging campaigns are still available to ECO Members and Friends at a special price of $25 (normal retail $29.95). Copies can be ordered from the ECO office.

We also have copies of Soil & Health magazine's special edition on genetic engineering available for only $8.50

Vote for the Environment Campaign
Further copies of the enclosed Vote for the Environment brochure, as well as stickers and posters, are available from ECO. Contact Morgan Cox, Vote for the Environment Coordinator, at the ECO office.

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PACIFIC WORLD
A quarterly magazine on global ecology and human justice published by the Pacific Institute for Resource Management.

Recent issues have focussed on Maori concerns, Genetic Engineering and globalisation.

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