



## Resource Management Changes will further affect NZ reputation

Changes proposed to the Resource Management Act by Ministers will further undermine the environmental focus of the Act and turn it into a development focused Act. The changes announced by Minister for the Environment, Amy Adams, on 10 August are likely to be introduced to Parliament in September 2013.

The changes proposed for the forthcoming 2013 Bill remove many key environmental protection elements in the Principles in Part II of the Act, particularly from section 7.

To make matters worse, Ministers propose to add in lop-sided economic considerations such as that the benefits of the use of resources be particularly considered, but not the costs. This will tilt the balance of considerations towards development and infrastructure. The net effect is that the RMA will become more permissive of environmental harms, and will allow economic and other interests to be gained at the expense of the environment.

It is astounding that the Government thinks it is a good idea to remove the obligation under the RMA "to have particular regard to" the maintenance and enhancement of the quality of the environment, the finiteness of resources, the ethic of stewardship, and the intrinsic values of ecosystems.

Principles proposed to be removed (Section 7) are:

*(aa) the ethic of stewardship:*

*(c) the maintenance and enhancement of amenity values:*

*(d) intrinsic values of ecosystems:*

*(f) maintenance and enhancement of the quality of the environment:*

*(g) any finite characteristics of natural and physical resources:*

This comes at a time when our environment is already degrading and many overseas are questioning New Zealand's commitment to the quality of the environment or limits to use of resources. China, India, the

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### New dates for conference

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### Topics include:

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- **The Resource Management Act, Crown Minerals and other recent law changes**
- **Mining at sea and on land - options**
- **Climate change, energy and choices for the future**

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UK, USA and other countries are already scrutinising New Zealand's environmental and food safety claims. The Ministry for the Environment summary of the 13,277 submissions shows that 99% of submitters opposed or expressed serious concern about the changes to the Principles of the Act. It is not encouraging that concerns are ignored.

The changes to Part II of the Act will increase litigation costs as the courts and Councils try to work out what the new provisions mean and how these should be applied.

Subdivisions are to become a permitted activity unless they are specifically restricted by a plan – which is unlikely, since they have not been treated as permitted so far. This will further undermine the “preservation of the natural character of the coastal environment”

### Fossil Fuel Subsidies in New Zealand

A recent report by the World Wildlife Fund (WWF) highlights the staggering financial support the New Zealand government is giving the fossil fuel industry. Indirect subsidies are being given in the form of tax concessions for prospecting and exploration. They are also being given as tax exemptions on income earned through drilling offshore exploratory and development wells by non-resident companies.

These production subsidies amount to \$46 million annually; up from \$6 million in 2009, when the current Government came to power. In total, \$85 million of public money is being foregone to support the production and consumption of fossil fuels in New Zealand.

The WWF report calls for the phase-out of production subsidies in line with recommendations from the OECD and the G20. Fossil fuel subsidies are harmful to efforts to mitigate human-induced climate change as they create a bias towards investment in fossil fuels rather than low emission intensity energy generation. Such subsidies go against the internationally agreed greenhouse gas emissions reduction target, which requires limiting average warming to 2°C above pre-industrial levels. For this target to be met, three quarters of fossil fuel reserves must be kept in the ground.

These fossil fuel subsidies are at odds with the image New Zealand promotes internationally. At the UN climate change negotiations in Doha, Qatar in Decem-

ber last year, Climate Change Minister Tim Groser led discussion on how fossil fuel subsidies need to be abolished globally. New Zealand is also a member of a group of countries called the ‘Friends of Fossil Fuel Subsidy Reform’, who support the reforming of fossil fuel subsidies worldwide.

It is unclear how councils could prevent or control subdivisions in areas of natural hazards under this change. ECO supported the addition of natural hazards to principles of the Act.

The Government has also decided to strip councils of functions to control hazardous substances and control GE organisms. This was not in the consultation document but is another move to centralize control in the EPA while leaving the liability and risk with communities.

The New Proposals can be seen at the MFE website: <http://www.mfe.govt.nz/publications/rma/resource-management-summary-reform-proposals.html> More information can be found on the ECO website

by Hannah Griffin

ber last year, Climate Change Minister Tim Groser led discussion on how fossil fuel subsidies need to be abolished globally. New Zealand is also a member of a group of countries called the ‘Friends of Fossil Fuel Subsidy Reform’, who support the reforming of fossil fuel subsidies worldwide.

The fact that New Zealand is simultaneously subsidising the fossil fuel industry is hypocritical. It damages New Zealand's image internationally, which is particularly fragile after the failure to sign up to a second commitment under the Kyoto Protocol.

New Zealand's fossil fuel subsidies have been criticised by the OECD in their 2013 Economic Survey. The OECD stress that for economic growth to be sustainable, it must not be tied to non-renewable resource extraction. Their survey also highlights that the Government receives a relatively low proportion of the profit generated by resource extraction at 42%, compared to 61-65% for the OECD average.

The key message from both the WWF report and the OECD survey is clear: abolishing New Zealand's fossil fuel subsidies isn't just about climate change or our international image, it's also about the long-term economic well-being of New Zealanders.

For more info see the WWF report: [http://awsassets.wwfnz.panda.org/downloads/wwf\\_fossil\\_fuel\\_finance\\_nz\\_subsidies\\_report.pdf](http://awsassets.wwfnz.panda.org/downloads/wwf_fossil_fuel_finance_nz_subsidies_report.pdf)

## Go Fossil Free, says climate campaigner Bill McKibben

by 350.org

Extreme weather such as cyclonic wind, heavy rain and snow dumps have again demonstrated the damage an unruly climate can do.

With international climate talks stalled and governments responding weakly, what hope do we have for protecting our climate?

US climate change activist, writer and speaker Bill McKibben says our next move is to divest from the companies that profit from wrecking the planet.

In June he visited New Zealand for his 'Do the Maths' tour, speaking to crowds in Auckland, Wellington and Dunedin.

McKibben urged New Zealanders to stand up and take action to reduce the amount of carbon dioxide being released into the atmosphere.

At the 2009 Copenhagen Climate Change conference, it was agreed that the increase in global temperature should be kept below 2 degrees Celsius, one of three figures used as the basis of his presentation.

His equation is simple: to keep the global temperature from rising more than 2°C, we cannot burn fuels that would emit any more than 565 gigatonnes of carbon dioxide. However, according to the British Carbon Tracker Initiative, global energy companies' reserves are around 2795 gigatonnes, nearly five times the 'safe' amount to burn.

In an article published in the Rolling Stone magazine last year, McKibben said there was "five times more gas, oil and coal still technically in the soil. But it's already economically above ground - it's figured into share prices, companies are borrowing money against it, nations are basing their budgets on the presumed returns from their patrimony." He estimates the value of these reserve fossil fuels at around \$20 trillion.

New Zealand's support for the oil and gas industry has increased from \$6 million in 2009 to \$46 million in 2013, according to a report from WWF. The critical issue is how we can make a transition from burning fossil fuels, and move towards a clean energy future for New Zealand. A divestment campaign led by 350 Aotearoa, called Fossil Free NZ, is asking universities, banks, ACC, superannuation, churches, KiwiSaver

providers and Government to take our money out of investment in fossil fuels.

### About Fossil Free NZ

"It's wrong to profit from wrecking the climate," says McKibben.

It's our money, so we're asking them to divest. Together, we can Go Fossil Free and take rapid action to address climate change.

### Why Divest?

We're all connected to institutions that ought to be looking out for the public good. Many of these institutions, however, support the fossil fuel industry through shares, bonds and investment funds – using our money.

The fossil fuel industry could choose to step up and help make the transition to renewables, but instead it's choosing to see just how much more governments will let them get away with. Given that we need to leave at least 80% of proven reserves of coal, oil and gas in the ground in order to avoid runaway climate change, our institutions have a responsibility to stop supporting an industry whose business model is based on wrecking our future.

### We're telling financial institutions to:

1. Divest from direct ownership of any existing funds that include fossil fuels, or any other direct financial support to the fossil fuel industry, within the next five years.
2. Immediately freeze any new investment in fossil fuels.

## FIND OUT MORE

There is more info on fossil fuels in New Zealand on the following websites/social media:

[www.350.org](http://www.350.org)

[www.gofossilfree.org.nz](http://www.gofossilfree.org.nz)

[facebook.com/350aotearoa](https://www.facebook.com/350aotearoa)

and read Bill McKibben's Rolling Stone article at

<http://www.rollingstone.com/politics/news/global-warmings-terrifying-new-math-20120719>

On Twitter: [@350nz](https://twitter.com/@350nz), [@GoFossilFree](https://twitter.com/@GoFossilFree)

## Milford-Dart tunnel and Fiordland monorail decisions

By Cath Wallace

ECO congratulates the StoptheTunnel Glenorchy community group and their supporters nation-wide for successfully mobilising to oppose the building of a private tourism-interest road and tunnel from Milford to the Dart River valley, in the Fiordland and Mt. Aspiring National Parks which are part of the Te Wahipounamu World Heritage Area.

The tunnel proposed would have been 11.3km long, from the end of the Routeburn road through the mountains to link up with the Hollyford Road. The proposal was pushed hard by company Milford Dart Ltd, and designed for the benefit of buses carrying private travel company passengers. It would not be open to the public. It has been a great relief that the proponents say they will not take Conservation Minister Hon Nick Smith on judicial review.

Ominously though, it remains possible that a revised proposal may yet emerge.

ECO applauds the Minister's decision. The clash of the project's impacts with conservation values is such that he made the only decision that reasonably should have been made, given the impacts of a huge amount of excavated rock and the roads and other human imprints in the area.

It is extraordinary that the Department of Conservation failed to notify the World Heritage Commission of the proposal and its effects. DOC is the leading agency for New Zealand to the UNESCO World Heritage Commission so it is a serious omission that the Commission was not notified.

### Fiordland Monorail Proposal

ECO, along with others, now awaits the Minister's decision on the Fiordland monorail proposal that would also have significant environmental impacts, including logging thousands of native trees and the construction of a service road to enable building the monorail tracks and facilities. The monorail would be part of a package tour from Queenstown across Lake Wakatipu by catamaran to Mt Nicholas Station, along the lake edge and over a back country road by all-terrain vehicles to Kiwi Burn in the Mararora River valley. Passengers would then take the proposed monorail from Kiwi Burn to lake Te Anau. For maps of proposed route



*The Fiordland monorail would destroy areas of high conservation value*

options see the company's web site at [http://www.fiordlandlink.com/route\\_maps.htm](http://www.fiordlandlink.com/route_maps.htm)

That proposal, by Riverstone Holdings Ltd (RHL), a private company primarily owned by Infinity Investment Group Holdings Ltd, is led by Managing Director Bob Robertson who also chairs Riverstone Holdings Ltd. He and others claim sustainable development credentials, but critics point to a collapsed development project near Christchurch. The route proposed now does not include National Park areas but it does include the Snowdon Forest Conservation Area, part of the World Heritage Area, tussock lands and other sensitive areas.

The Save Fiordland Group and others argue that the project if approved would destroy areas of high conservation value and involve felling tens of thousands of native trees along the route of the monorail which would march on concrete piles across the ancient landscape of New Zealand. The Snowdon Forest Conservation Area, is part of the World Heritage Area, and arguably of National Park importance, albeit not gazetted as a National Park. <http://www.savefiordland.org.nz/node/69>

There is a risk that the Minister will play politics by refusing one proposal (the tunnel) and approving the other, the monorail, rather than sticking to the tests outlined in the Conservation Act. We urge the Minister to stick to the law and to recognise that this must guide the decision.

## Russian delegation blocks global efforts for Antarctic marine protection

The special CCAMLR meeting in Germany failed to make decisions on proposals for marine protected areas in Southern Ocean after the Russian delegation blocked progress.

The meeting was discussing two proposals for marine protected areas in the Southern Ocean - the joint US-New Zealand proposal to designate a Ross Sea MPA of 2.3 million square kilometres, including a “fully protected” area of 1.6 million square kilometres; and a proposal from Australia, France and the European Union that would designate a cluster of seven marine protected areas in East Antarctica, covering about 1.63 million square kilometres.

The Antarctic Ocean Alliance (AOA) called the Russian delegation’s blocking of proposals as “the loss of an extraordinary opportunity to protect the global marine environment for future generations”. CCAMLR established its first high-seas MPA around the South Orkney Islands in 2009.

The special meeting of the 25 Members of the Commission for the Conservation on Marine Living Resources (CCAMLR) concluded in mid-July in Bremerhaven, Germany, with no results. New Zealand and the US worked jointly to promote Ross Sea protected areas.

All of the CCAMLR Member states, including those that had concerns about the two proposals, took part in negotiations, however, the Russian delegation, with support from the Ukraine, raised legal issues as to whether CCAMLR has the authority to establish marine protected areas (MPAs).

“After two years of preparation, including this meeting, which Russia requested to settle the scientific case for the Ross Sea and East Antarctic proposals, we leave with nothing,” said Steve Campbell, Director of the AOA. “All Members, except Russia, came to this meeting to negotiate in good faith.”

“ASOC salutes those CCAMLR Members that tried so hard to find common ground to establish these Antarctic MPAs,” said Jim Barnes, Executive Director of the Antarctic and Southern Ocean Coalition (ASOC). “But we are distraught that one country is blocking CCAMLR from meeting its MPA commitments and to see such bad faith here in Bremerhaven. We look forward to Russia finding constructive ways to participate in establishing MPAs at the next meeting this October.”

More than 1.3 million people around the world have joined the global call for Antarctic marine protection with thousands taking action through online petitions and emails from around the world.

Peter Young from the Last Ocean Trust said “To have come so far and have this proposal thwarted at the last minute is a huge disappointment, but this is just one of the many hurdles we face and as long as we have places on the planet as pristine as the Ross Sea we have a reason to continue to fight for their protection.”

“All of the world’s oceans – including those around Antarctica – are under increasing pressure that makes the protection of near pristine areas such as the Ross Sea and East Antarctica ever more urgent,” said Richard Page, Greenpeace Oceans campaigner. “Considerable effort and some rigorous scientific work have been put in by many CCAMLR Members to get this far. The Russian delegation must now work in good faith and make sure the proposals go forward at the next CCAMLR meeting to ensure a lasting legacy for future generations.”

The Southern Ocean is critical for scientific research, both for studying how intact marine ecosystems function and for determining the impacts of global climate change.

The Antarctic Ocean Alliance partners will attend the next CCAMLR meeting in Hobart, in October this year to press CCAMLR to deliver on its conservation commitments and to extend Southern Ocean protection to these and other important habitats. The AOA has identified over 40% of the Southern Ocean in 19 habitats that warrant protection in a network of large-scale MPAs and no-take marine reserves based on combining existing marine protected areas, areas identified within previous conservation and planning analyses and including additional key environmental habitats.

“To have come so far and have this proposal thwarted at the last minute is a huge disappointment, but this is just one of the many hurdles we face and as long as we have places on the planet as pristine as the Ross Sea we have a reason to continue to fight for their protection.”



## Extending the surveillance state

The Government Communications Security Bureau (GCSB) Bill passed in Parliament on 21 August. It spelt the extension of spying on New Zealanders by the GCSB and the removal of New Zealand security as the primary purpose of the Act.

Civil Society was listened to with ostentatious boredom and uninterest when Prime Minister John Key “chaired” the Security and Intelligence Committee’s hearing of submissions, including ECO’s. This was the first day of hearings into Government Communications and Security Bureau and Related Legislation Amendment Bill. He roused himself briefly when Jim Veitch, a security academic, assured MPs that the Bill did not extend the existing mandate of the Bureau – an analysis that ECO and almost every other submitter disagrees with. Indeed, why change the legislation if the powers are unchanged?

The 2003 Act has the overall objective of protecting the national security of New Zealand and disallows spying by the GCSB in relation to New Zealand’s wellbeing and economic wellbeing except “to the extent that they are affected by the actions or intentions of foreign organisations or foreign persons”. This restriction to foreign parties is dropped in the amendment bill. In the Bill the definition of “foreign organisation” is widened (clause 5) to expand powers to spy on New Zealanders, but the restrictions on spying now relates only to those communications that are expected to be private.

The purpose of spying includes for New Zealand’s well being and economic wellbeing. National security becomes just one of the reasons for spying not the purpose of GCSB spying. This means that spying on environmentalists will be allowed if short-term economic interests are threatened, even if long term, environmental protection helps long term sustainability. Many legal activities will thus be able to be interpreted as damaging to New Zealand’s economic well being. We think this is much too broad, particularly since conflicts between well beings are legion.

ECO asked that the power to hand over information to any party, in New Zealand or elsewhere, be restricted so that only New Zealand public sector agencies and not private companies or foreign organisations are allowed to have information derived from spying. Regrettably, as reported back, the Prime Minister may authorise release of information to “any person or

office holder” in or outside New Zealand (clause 6, new section 7).

ECO asked that appointments to the head of the GCSB also be at the recommendation of both the Prime Minister and the Leader of the Opposition, so that there is less scope for political bias in appointments. In its Departmental report on submissions, the GCSB simply dismissed this on the grounds that appointments should be made by the Executive. Of course that is usually true, but this is not a usual situation.

Here there is every need to guard against political misuse of spying powers.

Some “principles” for the Bureau performing its functions were inserted in the revised Bill (new section 8CA) and these include no actions for the purpose of harming or furthering the interests of political parties, so in this respect the Bill is somewhat strengthened (new section 8CA in clause 6).

There were many comprehensive submissions made including by the Human Rights Foundation, the Council for Civil Liberties, The New Zealand Law Society, the Legislative Review Advisory Committee, the Combined Trades Unions and others.

The CTU challenged the slogan, “if you have nothing to hide, you have nothing to fear” and insisted that everyone is entitled to privacy.

The Legislation Advisory Committee, declared itself not engaged in assessing the “high policy” of the Bill but suggested a range of means of strengthening safe guards for citizens, restrictions on the proposed wide powers to spy without warrants, insertion of a requirement of political neutrality (as is required of the SIS), and that the activity being spied on would have to be unlawful before spying could be allowed.

A peculiar aspect of the Bill is the largely circular definition of New Zealanders’ private communications – as being what persons might expect to be private (section 14). This does not seem to allow organisations to keep things private, since this protection applies only to persons. Given the intent to spying, “private communications” would appear to be about to become an empty set. Except for legally privileged communications, no-one can now reasonably expect communications to be private.

The spy agencies include but are not limited to the Police and the Security Intelligence Service (SIS) and the GCSB. Not included in the coverage of the Bill are the Directorate of Defence Intelligence and Security (which specialises in military intelligence) and the “spooks” who are tucked out of sight in the Dept of Prime Minister and Cabinet, in the National Assessments Bureau (NAB), formerly the External Assessment Bureau. It is an interesting question whether that agency is now also scrutinising the rest of us as well?

The Bill does provide some limited strengthening of the powers of the Security and Intelligence Committee and the Inspector-General of Intelligence and Security, but even in the version reported back from the Committee, these remain weak, though not as feeble as now. After heavy criticism of the Bill from many quarters, the PM has now said that he will insist on warrants prior to spies reading our emails: but this

has not been translated into amendments to the Bill so have little value.

ECO’s view is that the extension of the powers of the GCSB should be repealed. The safeguards in the Bill need to be much stronger – and many good suggestions were made by submitters. We support the calls of the Opposition parties for a full independent inquiry into the intelligence agencies. In our view, the use of surveillance and infiltration of non-violent civil society groups by corporates, including State Owned Enterprises like Solid Energy, and their agents, should also be inquired into.

We are enormously disappointed that the PM’s response to the illegality of the GCSB’s activities has been to widen the scope of spying rather than to insist that the GCSB abides by the law. Democracy and privacy are the loser.

## Radical Action Grants for community groups

The Radical Action Grants management committee knows first-hand the difficulties grassroots groups have finding funding for actions, events and projects. In 2011 they set up Radical Action Grants (RAG) so inspiring, creative and thought-provoking projects could get support.

They’ve held funding rounds in 2011 and 2012, and provide grants of up to \$500 to grassroots environmental – especially climate – activist groups across Aotearoa NZ. Recipients include Coromandel Watchdog of Hauraki, Frack-free Tairāwhiti, and Piha KASM.

RAG is funded entirely by donations. 100% of donations go into the funding pool.

RAG is an incorporated society managed by a small committee: Brian Anderson (West Coast), Lynley Hargreaves (West Coast), Geoff Keey (Arthurs Pass), Helen Tulett (Golden Bay), Jo McVeagh (Auckland), and Frances Mountier (Petone).

### You can apply!

It’s important to note that grants are for upcoming projects, not for events that have already taken place. And in the spirit of RAG, funds will be granted for materials, travel, publishing, and other expenses relating to the particular project, not ongoing or administrative expenses.

There is a funding round each spring. Go to the RAG webpage for details of how to apply and requirements for reporting back: <http://radicalactiongrants.wordpress.com/>

### You can donate!

You can donate online to the Radical Action Grants account: 38-9012-0085495-00. Write ‘RAG’ and your last name in the reference field. If you would like a receipt, email [radicalactiongrants@riseup.net](mailto:radicalactiongrants@riseup.net). Not surprisingly, donations to RAG are not tax deductible.

You can send a donation to Radical Action Grants, 17 McLeods Rd, RD 1, Ross, Westland 7885. Include your postal address if you would like a receipt.



Grants are available for events such as awareness-raising

## Kauri Dieback: Action Stations

By Cath Wallace

It only takes a speck of infected soil to pass kauri die-back from one forest to another, so we all need to take precautions to stop its spread. Some Kauri forests in the north of the North Island are already badly infected, particularly those in Northland, Great Barrier Island and the Waitakeres. Even where it is not apparent, we may find it yet appears. So we all need to be taking stringent precautions.

Those of us keen on kauri forests – as trampers, hunters, botanists or pest control volunteers, are likely to be sources for carrying the microorganism around from one place and forest to the next. So too may anyone who moves plants and plant materials around. One of the sources of the spread of the organism in Northland is thought to have been an infected plant nursery. The infection has not yet been identified on the Coromandel, but this doesn't mean it hasn't got there yet. If it hasn't, we are in luck, but need to get really serious and active about stopping it spreading to kauri there.

The infection is *Phytophthora taxon Agathis*, a phytophthora, a microorganism that is not a bacteria, fungus or virus. It is spread by soil, not the air and infects the kauri roots via the soil. Kauri roots come up to the surface, so walking on or scuffing the soil with infected gear can readily damage kauri roots directly but also transfers the infection.

This means that we need to be stringent about scrubbing and cleaning vehicles, especially off road vehicles, boots, packs, firearms, walking sticks, dogs and anything that touches the ground, before we take these things anywhere near a kauri forest, and after such a visit.

The ideal is to steam clean vehicles very thoroughly, and then to wash other gear really well – DOC recommends a product used in animal health hygiene, called Sterigene. This is used in a dilution of 49:1 with water, applied after boots, packs, tent pegs, - anything that encounters soil - have been given a preliminary scrub to remove all mud, soil or clay or any other particles.

Footbaths made of opened up plastic containers containing the mixture, with a stiff brush and water to hand, ideally should be available – and used – before gear is taken from an infected area, at home, and at the entry point for anywhere that such gear goes.

It is not usually practicable to have steam cleaning at farms and forests where kauri are, so it is essential that people in or who encounter infected areas do this before they visit areas not already infected. Heavy or any other off-road machinery, is a particular worry, and in some places on the Coromandel, forest hygiene practices have contractors leaving their all terrain vehicles such as 4x4 bikes in an area and not taking these back to Auckland or other places where there may be infection.

The signs of infection depend on the age of the kauri tree – and at this stage it is thought that only kauri are susceptible. Small seedlings will wilt and die in three weeks. Rikers and other small trees will take time to develop yellow patches and die. On trees, the first sign is often a weeping sore on the trunk which then spreads around the trunk to become a collar of gum-weeping lesions that join up about and above the soil line of the trunk. Such trees will have areas that yellow, thin out and die: a pattern that can spread through a forest. A mature kauri can take years to perish completely.

There is no known cure, though Horner and Hough (2011), suggested that phosphorous acid may help to contain the spread of the infection.

The lack of any cure means that vigilance by all of us to prevent the spread of the infection is absolutely required – and we must make taking such precautions as are recommended a rule and a social norm, so others follow suit.

### MORE INFO AND HOW TO HELP

<http://www.kauridieback.co.nz/>  
<http://www.kauridieback.co.nz/media/photo-gallery>

This site has useful information and is run by a consortium of regional councils, the Ministry of Primary Industry and DOC. For more information, or to report any suspect sightings of diseased kauri on public or private land, phone the Kauri Dieback Hotline on 0800 NZ KAURI (69 52874).



## A Human Right to a Healthy Environment? A Constitutional Duty to Protect It?

A constitutional review is currently being undertaken by the Constitutional Advisory Panel. See [www.cap.govt.nz](http://www.cap.govt.nz). As part of this review, the Panel sought submissions on what New Zealanders want to see in a constitution. One issue that did not have very much attention, at least in the public debate, is the issue of constitutional protection for the environment in some form.

New Zealand is only one of three countries in the world without a written Constitution (the other two being the UK and Israel), and most other countries' constitutions contain some sort of statements on environmental protection. These are found in various forms. The most common is a government duty to protect the natural environment, with 140 national constitutions containing such a duty, out of 193 states.

Nearly half the countries have individual duties to protect the environment, as well as approximately half containing individual rights to a healthy environment.

*New Zealand is only one of three countries in the world without a written Constitution*

Smaller numbers of countries have enacted procedural environmental rights at a constitutional level (such as rights to information, due process, and access to justice in relation to environmental matters); and even fewer have enacted eco-centric rights of the natural environment to exist.

These figures relate only to Constitutional-level protections; even more countries have adopted such rights and/or duties at other levels, such as ordinary statutes with such protections (especially in relation to procedural protections, for example), commitments to international obligations, or sub-National commitments at a provincial level, for examples. In relation to the individual right to a healthy environment, at least "178 nations, or 92% of UN members" are legally obliged to respect the human right to a healthy environment at some level.

It is noticeable that New Zealand does not have such protections at a constitutional level. It is certainly arguable that without a healthy environment, all of our other human rights are at risk. We currently take the provision of healthy air, water, and food for granted,

certainly in terms of our constitutional and other laws. It is time to question that and to better reflect our dependence on the natural environment in our laws. We should recognise legal rights and responsibilities in relation to the environment, and make them enforceable.

Submissions to the Constitutional Advisory Panel have now closed. However, the need for such rights and responsibilities to be enshrined in law in New Zealand is an issue that members could keep current. This debate needs to become part of the political landscape in Aotearoa NZ, so feel free to tell other people just how important you think this is. You don't have to have a fully developed or detailed proposal for how they should be protected, or have in mind any precise wording. Just press for the need for such laws in principle. If politicians think it is an issue that is important to enough New Zealanders then they will be encouraged to progress it.

ECO as an organisation made a submission to the Panel as part of the review, as did National Executive Committee member Catherine Iorns as an individual.

Some suggestions included in these submissions were:

1. That New Zealand should have a written Constitution with a strong statement about our commitment to the environment, perhaps in a Preamble.
2. That government and individuals should have legal duties to protect the environment.
3. That our Bill of Rights should include a human right to a healthy environment, as the basis for all other rights.
4. That the environment should be protected for its own sake, not just as a human right.
5. That a set of related environmental rights and protections be developed, including procedural rights and responsibilities.
6. A Charter of Environmental Rights and Responsibilities should be enacted, with a status at least equal to that of the Bill of Rights.

There are a lot of examples worldwide of wording for these various options from which any final proposal could be drawn. For more information on this, such as a copy of the ECO submission to the Panel, or of Catherine Iorns's submission, please contact the ECO office, or check the ECO website at [eco.org.nz/what-we-do/submissions.html](http://eco.org.nz/what-we-do/submissions.html)

## Help steer us away from disaster

by Dame Anne Salmond

Over the past thirty years, there has been an erosion of democratic rights and freedoms in New Zealand. At the same time our collective life has been re-imagined as a market, driven by the pursuit of short-term profit. These two trends have placed us in danger.

In July, Sir Richard Branson launched an alliance of world leaders called the B Team, whose founding CEO is a proud Kiwi, Derek Handley. The risks that confront humanity at present have been compared with “the Titanic heading for the iceberg, except the captains of planet earth actually know the iceberg is there; cracking, melting, disappearing. It’s going to take a very powerful force for good to steer us out of troubled waters”.

At the launch, Sir Richard and his colleagues urged business leaders across the planet to safeguard the future by moving beyond short-term thinking, a focus on limitless growth and profit at all costs, and to “find their moral backbone”.

The B Team is a formidable group. Its members include Jochen Zeitz, Co-Chair and former CEO of Puma; Ratan Tata, of Tata Group in India; Mary Robinson, the former President of Ireland; and the United Nations President Kathy Calvin.

At the launch they declared: “We believe that the world is at a critical crossroads. Global business leaders need to come together to advance the wellbeing of people and the planet. Business is now waking up to the reality that if we carry on using the natural resources of the world unsustainably, they’ll quite simply run out.

“With a burgeoning population, more people are still living in poverty than ever before and inequalities are increasing in many parts of the world. Unemployment rates are at frightening levels. Non-profits alone cannot solve the tasks at hand, while many governments are unwilling or unable to act.

“Much of the blame rests with the principles and practices of ‘business as usual’. These are not the outcomes we envisioned as we grew our companies; this is not the dream that inspired us.”

These leaders are echoing a chorus of warnings from the scientific community, who report that human-



*Dame Anne Salmond*

ity is on a pathway to disaster. The world’s oceans are warming and becoming acidic, threatening many marine life forms and the food chains that depend on them, including our own.

The plants and animals that lived in these islands for millennia before human arrival are dying, with New Zealand having one of the highest proportions of species at risk of extinction in the world, threatening the viability of many ecosystems.

Although fresh water is fundamental to life, waterways across New Zealand are being degraded, depleted and polluted. Our small society is increasingly unequal and uncaring, with children dying of third world diseases in the midst of prosperity, while almost daily, democratic freedoms are threatened. We are in the process of turning off our own life support systems.

And in the face of these challenges, what are our captains doing? With the iceberg in full sight, they are pushing the throttle to full steam ahead, racing our small country to the point of collision as fast as possible.

In the process, many of the things that have made me very proud to be a New Zealander are being eroded.

It has been difficult, for instance, to watch New Zealand earn international opprobrium for refusing to ratify the Kyoto protocol, and a ‘Colossal Fossil Award’ - first equal among 194 countries for the worst performance on climate change.

Add to that the cancellation of State of the Environment reporting; proposed amendments to the Resource Management Act to weaken protection for the ecosystems that sustain us; and a rush towards fossil fuel exploitation, and we are on a trajectory that is contrary to where New Zealand should be heading.

There have also been attacks on scientists who report on the state of our streams and rivers; moves to legalise and strengthen surveillance over New Zealand citizens, and a punitive ban on peaceful environmental protests at sea rushed through Parliament, in breach of the Bill of Rights and international conventions. These assaults on democratic freedoms are disturbing.

As a scientist who attends many conferences in which the relevant science is discussed, I see our environmental strategies as irrational. As a mother and grandmother, I consider them a betrayal of future generations. To echo Mary Robinson, of the B-Team: “When my first grandchild was born, it had a huge physical impact on me. I just had a different perspective. I now do think 80, maybe even 100, years hence, because that now is the horizon of my four grandchildren.

“It worries me, because those four grandchildren will be in their forties in 2050. If we don’t take the steps to stay below the two degree Celsius above pre-industrial warming by becoming more climate-resilient and having a low-carbon future, it will be catastrophic. I wonder what they will say about us if we don’t act now.”

As citizens, parents and grandparents, we can’t sit by while our leaders drive straight at the iceberg. Nor should we let them bully and silence those who warn of imminent dangers, or strip away democratic rights in the process. We all need to take a good, hard look about where our country is heading, and the future that we are facing.

Just as the B-Team has urged business leaders across the planet to ‘find their moral backbone,’ New Zealanders need to urge our leaders - of all political parties and persuasions - to do the same. New Zealand must act as a responsible global citizen, not a foolhardy fossil on these issues.

We should make the most of our rich resources, and find innovative ways of creating a prosperous, sus-



Photo: Bob Zuur

*Waterways across New Zealand are being degraded, depleted and polluted*

tainable future. In fact, many of our young people are leading the way.

I think of Gen Zero, a movement of young people who seek a country 100 per cent powered by renewable energy; Sam Judd, Young New Zealander of the Year, with his organisation Sustainable Coastlines; Dan Hikuroa from Nga Pae o te Maramatanga; Sam Johnson of the Student Army; Claire Browning and others who are battling for participatory democracy and good environmental outcomes; Elliott Blade of Ted-X New Zealand, along with inspiring young business leaders like Derek Handley, the Kiwi CEO of the B-Team, and others too numerous to name.

Like our young leaders, we need to find innovative ways of doing business; new kinds of science; new sorts of communities; and better ways of caring for members of our society. A small, inventive, intimate country like ours should be helping to build a bright future - the kind of New Zealand of which we can all be proud. The time is now. The choice is ours.

*Dame Anne Salmond is a distinguished professor of Maori studies and anthropology at the University of Auckland and noted historian and author.*

### DOC and private land targeted for more toxic mining in Northland

by Dean Baigent-Mercer

In June the Government finally announced which areas of Northland will be targeted for mineral exploration.

A Northland-wide unconsented aerial mineral survey, fancy launch, glossy marketing, promotional junkets to mining trade fairs in Toronto and Government delegations sent overseas to meet international mining interests face to face, was not a huge success. This is proven by the three small inexperienced companies recommended for exploration permits. The Government didn't lure any of the big name multinational corporations they had hoped for.

Regardless, the new mineral exploration permit areas issued include:

- Whakarara, the mountain on the southern side of Whangaroa that drains into famous Matauri Bay and Whangaroa Harbour near the flood-prone town of Kaeo.
- A new permit area that covers the heart of Russell State Forest, including some of the world's last 1% of kauri forest. Gerry Brownlee had previously promised that kauri forest would not be included in future mining areas when he was Minister of Energy and Resources. This new extension is to the north and east of De Grey Mining's controversial exploration permit at Puhipuhi. The new permit covers catchments that flow into the stunning Bay of Islands and Whangaruru Harbour.
- The Government map issued on the day of the announcement appears to include the Manginangina Scenic Reserve and an eastern extremity of the Puketi kauri forest.
- The permit given to Waimatenui Exploration Ltd covers some of the DOC-managed Marlborough Forest and is in the catchment of the northern Kaipara Harbour.

See maps here: <http://www.nzpam.govt.nz/cms/pdf-library/minerals/competitive-tender/map-northland-bid-recommended.pdf>

Five exploration licences were issued to three companies. Two licences were issued to the Far North Mayor Wayne Brown's cheekily named Tai Tokerau Minerals Ltd. He is a director of the company with a five percent shareholding. The company was set up while Mayor Brown has been the self-appointed cheerleader of



*Weeks of autumn protest action on the side of State Highway One, lead by Reverend Thelma Conner (right) drew attention to the threat of toxic mining at Puhipuhi nearby*

exploration and toxic mining across Northland while being paid with public money. Minister Simon Bridges swore everything was above board.

De Grey Minerals Ltd's exploration licences have now expanded north to cover the lion's share of Russell Forest, currently administered by DOC. This amount of land doubles the area of De Grey's exploration permit from the original area across the top of a mountain called Puhipuhi, 30 km north of Whangarei. Toxic mining concerns surrounding Puhipuhi have seen roadside protests by the local community and Ngati Hau who called for De Grey to relinquish their permit in April.

Dr Benjamin Pittman, a Ngāti Hau kaumātua said, "Our paramount responsibility is to protect our water source and we do not consent to drilling or mining which could lead to contamination of waterways above and below ground with mercury and other heavy metals. We are taking this stance for all who live in this area. We open the door and welcome support for the position of Ngati Hau in opposing this exploration permit and mining of Puhipuhi".

The process to remove the gold would create vast amounts of toxic waste, conservatively 18 tonnes of toxic waste for one gold ring, in an area that is extremely flood prone.

Currently, the economics of gold mining are shonky at best. We hope this will help prevent mineral exploration in the permit areas and sanity prevails as local people take action to protect their water sources.

## GE crops fail to deliver food to the hungry

by Debbie Swanwick

New research from University of Canterbury researchers proves that genetically engineered crops have lower yields and use more pesticides than GE-free crops. The research, led by Professor Jack Heinemann, compared North American staple crop production to Western Europe over the past fifty years.

The world's population is currently 7 billion but by 2020 it is forecast to reach 8 billion.

Feeding the world's hungry is a catchcry used by big agri-tech, but it is nothing more than an emotive rant appealing to our compassion, when these companies have none themselves, we can feed the world's hungry now - we choose not to.

Forty percent of food is currently wasted and whilst a billion people on the earth are starving, a billion people are overweight. Research shows that in developing countries, home to many of the world's hungry, and where drought is common, not only can organic production increase yields by 100-200% it is also affordable for the people.

The deplorable situation in many developing countries is that farmers are sold GE crops which they cannot afford and cannot grow in the traditional ways they are used to. The cost of having to buy patented seed each year and the need to buy more pesticides and herbicides to deal with resistant insects and weeds has made growing GE crops increasingly unsustainable. Since the introduction of GE crops in the mid 1990s, more than a quarter of a million subsistence farmers in India have committed suicide. Big corporations that treat our global citizens in this way are committing a crime against humanity and this must stop.

What we need to do is produce crops that consumers can afford, that provide good nutrition and are environmentally sustainable. Consumers worldwide do not



*GE crops are becoming increasingly unsustainable*

want to eat GMOs. The movement to eradicate GMOs or at the very least label them is now at a tipping point that will see the demise of a practice that should never have been rubber-stamped by governments, whose remit is to represent people not corporations. People deserve real food.

Recently Hungary burnt all their GMO crops, and last month the Connecticut senate was the first US state to introduce a bill demanding labelling of GMOs. At least twenty other states are following their lead.

The US market is set to change and justice will finally prevail when these crops are banned by consumers - who will vote with their wallets. Big agri-tech knows this. It is the reason why they spent US\$45 million last year to defeat a bill that would have seen mandatory labelling of GMOs in California. The bill was narrowly lost by a margin of 3%.

*Debbie Swanwick is the spokesperson for Soil & Health - Organic NZ.*

*This article has been republished from the original at the Organic NZ website [www.organicnz.org.nz/node/687](http://www.organicnz.org.nz/node/687)*

References can be found on the webpage above.

### Climate Change presentations

Executive member Catherine Iorns attended Climate Reality Leadership Training Program in Chicago, from July 30-Aug 1.

If any member group wants Catherine to visit and give one of the program's presentations on climate change (Al Gore's famous powerpoint presentation - updated), just let her know.

There are also other New Zealanders able to give such presentations so even if Catherine is unavailable at a particular time or location, she may be able to find another presenter.

Email: [catherine.iorns@vuw.ac.nz](mailto:catherine.iorns@vuw.ac.nz)

Phone: 04-463-6389

## KASM - Kiwis Against Seabed Mining

KASM (Kiwis Against Seabed Mining) is a community-based, not for profit action group, that strongly opposes any non-essential seabed mining. It started in Raglan but now has members across NZ and the world.

The West Coast seabed is under threat. The entire west coast, from Wanganui to Cape Reinga, is now under either a prospecting or exploration permit for iron sand.

### What's currently happening?

The first applicant, Trans Tasman Resources Ltd (TTR), wants to remove 3-5million tones of iron ore per year, from one site off Patea. This would mean dredging up to 50million tonnes of sand annually.

### What would mining look like?

Suction dredges would remove the entire top 10m layer of the seabed, in the oceanic equivalent of open cast mining.

### Where would it be located?

In relatively shallow water, 20-50metre depth. TTR's

application will be for an area 150-200sqkm off the Patea coastline.

The scientific knowledge is weak but substantial erosion could be expected with deterioration of surf break and beach quality expected. There is one known fact that, suction dredging turns mined areas into oceanic dead zones. The environmental effects could be devastating as well as a threat to our fisheries and the maui dolphin.

### What would NZ get?

The government is likely to receive 1-5% of the value of the ore, as royalty. Job opportunities will be minimal. TTR is 95%+ foreign owned, with no track record, and currently only one NZ director, Jenny Shipley. Profits would go offshore.

### How can you get involved.?

Get engaged in the issue. Join KASM. Like our facebook page. Learn more on our website: [www.kasm.org.nz](http://www.kasm.org.nz) Donate to aid this cause. Write to papers and politicians.

## Happy Valley Coal Mine proposal update

A new step in the fight to prevent mining in Happy Valley has begun. On 12 June 2013 the Biodiversity Defence Society filed declaration proceedings with the Environment Court arguing that Solid Energy's resources consents have expired as no mining operations have begun. Under the consent conditions Solid Energy had seven years to give effect to the consent, after this the consent lapses and must be reapplied for.

"Happy Valley is still intact," said BDS spokesperson Helen Tulett, "While a road has been built in, the company has not begun blasting a mine pit, removing overburden and extracting coal. Mining activity has not begun and that means the consents are no longer valid. We're asking the court to confirm that."

"This mine should never have been given consent," she added. "And we believe that if the company applied again today, consent would not be granted. In the last seven years, tools for assessing biodiversity significance have advanced considerably. Threat status for some species has changed. Biodiversity offsetting criteria have been developed. The need to act on climate change has increased – even Solid Energy's former chairman has admitted that there is no future in fossil fuels."

Solid Energy's consent was granted for their Cyprus mine extension in the upper Waimangaroa Valley or Happy Valley in 2005. The site is part of the unique Buller coal-measure ecosystem. Before consent was granted it was appealed to the Environment Court by various environmental groups and to the High Court by Forest and Bird. Both appeals were declined. Since 2005 extensive protests have occurred against the proposed mine including a 3 year occupation near the planned site by the Save Happy Valley Coalition.

The full Biodiversity Defence Society Inc statement can be found on the ECO website titled Mining Consent Expired for Happy Valley. This includes links to other relevant resources including a copy of the resource consent.

Previous ECOLink articles on Happy Valley can be found on the ECO website in our June 2005 and June 2009 issues.

### References:

<http://www.solidenergy.co.nz/coal/operations/assets/cypress-environment-court-conditions.pdf>  
<http://www.scoop.co.nz/stories/AK1306/S00204/mining-consent-expired-for-happy-valley.htm>



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FOR YOUR DIARY:**

**Go Green Expo: 12-13 October,  
Wellington**

**Conservation Inc: 17-18 October,  
Dunedin**

**ECO Conference: 29 November -  
1 December, Kauaeranga Valley,  
Thames, Coromandel**

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Greenpeace NZ  
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Kaipatiki Project  
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