

**PQ Network News**

- Lent Resources in preparation
- PQ Network send in commentary on sale of State Assets, Three Strikes Legislation, Trans Pacific Partnership, Alcohol Reform, & Parish publications on PQ Issues
- President Desmond and Betsan attended meetings with Coalition and Opposition Party Leaders as part of Church Leader meetings.

**PQ Themes**

- Te Tiriti o Waitangi
- Welfare Reform
- Environmental Responsibility / Kaitiakitanga
- Development & Aid

**PQ Resources**

- Sharing Power with people and Nature
- Pacific Resilience
- Land and Water forum 'A Fresh Start for Water'

**Bills, Legislation, Submissions**

**Methodist Te Hāhi Weteriana Public Questions – Resourcing Responses to Social Issues**



**Contact: Betsan Martin**

Email: [betsan@publicquestions.org.nz](mailto:betsan@publicquestions.org.nz)  
Ph: 04 473-2627 / 021-388-337

## Public Questions Network News

### LENT STUDIES

Revd. Michael Dymond, with the Public Questions committee, is preparing **Lent Studies** based on Public Questions. These will be sent to the Public Questions network before the season of lent, which begins on Wednesday 9<sup>th</sup> March this year.

### Wesley Community Action Alcohol Reform Bill Submission

This submission is important for its focus on community interests. It refers to WCA work in Porirua with young people, families and individuals for whom alcohol has had profound effects in their lives. Here are a few sentences (abbreviated) from this aspect for their submission.

#### The right of Communities to have a say on Alcohol sales

Under the proposed legislation there is no guarantee that the local regulatory framework will be strengthened to a point that our community can have a significant influence in the decision to allocate liquor licenses in our community.

In recent years, members of our staff participated in a community response to the possibility of a new liquor store in the Cannons Creek shopping centre no more than 50 metres away from Cannons Creek primary school. While the outcome in that case was fortunately in the community's favour, we were shocked during that process to find out just how little say the community had over the

granting of a license. The grounds for community objection are so limited that communities will most likely despair at the improbability of there being able to influence license decisions and cease bothering.

We are already concerned about the prevalence of liquor outlets in our community (let alone the potential for more) and the close proximity to community places, especially a local school the Waitangirua community park. We believe that the legislation should have an explicit clause excluding the ability for liquor licenses to be granted within a defined distance from schools and other community places such as churches and community halls.

The bill intends that local authorities will be responsible for the introduction of *voluntary* local alcohol policies. The submission says that new law should **require all authorities to have a policy**, including for example trading hours, outlet density, location and local social factors need to be taken into consideration. The submission includes recommendations that the purchase age of alcohol be raised to 20 years (no exceptions), and 'implores' the select committee to consider raising taxes on alcohol as the single most effect deterrent to alcohol related harm. Limiting spending on

advertising and reducing blood alcohol level to 50mg per 100 mls (from the current 80mg) are also needed to strengthen alcohol reform in the interests of personal and community safety.

### **A Day of Parties - meetings between Church Leaders and Coalition and Opposition Parties**

During the meetings with Coalition and Opposition Parties last week (February 16<sup>th</sup>) the Church leaders, including President Desmond, presented the same issues that had been discussed with the Prime Minister late last year: Overseas Aid, Welfare Reform, Housing and Criminal Justice.

The day began with Peter Dunne (United Future), followed by Annette King and large group of Labour MP's, then Rodney Hide (Act), Jim Anderton (Progressive), Tariana Turia (Māori Party) and then Meteria Turei, Russell Norman and Green MP's.

The remarkable attentiveness and congeniality across the board was probably enhanced by election year interests. Themes for highlighting include strong agreement that any welfare reforms should be undertaken with attitudes of respect for beneficiaries. The Church Leaders have consistently deplored any stigmatizing of beneficiaries. The problem of putting welfare and benefit provision under scrutiny at the time of rising unemployment was raised again, as it had been with the Prime Minister. The Government Welfare Reform Report is due out soon.

The severe and growing housing shortage drew strong interest in all the discussions. Lack of supply combined with costs and no improvements in affordability make this an issue for which there is no immediate policy remedy.

Policy on criminal justice is highly polarization across the divide from Act to the Greens, yet all agree on a deeply worrying and unsustainable trajectory of increasing imprisonment.

Inequality was brought up. The Wilkinson and Picket book, *The Spirit Level*, is being widely read. It shows the significance of inequality as an indicator of malaise across the range of health, education, housing, wellbeing and environmental areas. Wilkinson and Picket expose the startling fact of New Zealand is the fourth most unequal country in the world.

### **REPORTS**

#### **Salvation Army Report 'Stalled'.**

The annual Salvation Army State of the Nation Report sums up this Government's, and indeed previous Government's management of the recession as little more than a pragmatic policy adjustment. 'it is simply a series of programmes which dealt pragmatically with the problems of the day without really ever addressing the underlying causes of these problems. The failure of the Labour-led Governments of 1999 – 2008 to deal with the housing bubble is a case in point'. The Report laments the lack of a big picture, or vision and concludes 'the regrettable thing is there is no big picture... In effect we have a broad failure of imagination from across the political spectrum, except that of being more like Australia.

The report covers topics of children, Crime and Punishment, Work and Incomes, Social Hazards, and Housing. It observes how public discussion is dominated by financial risk and debt, and notes the \$90 billion private debt that New Zealanders have incurred. While there are messages of cutting back state spending to stave off the impending consequences of debt, the Government still found the means to bail out investors in failing finance companies and fund new prisons. The report shows that Child poverty and violence are not abating and educational disadvantage of Māori continues.

The Report is available at <http://www.salvationarmy.org.nz/uploads/Stalled.pdf>

## NEWS FROM PARISHES

**Revd. Terry Wall of the Remuera Methodist Parish** sent in their parish newsletter and the 'Auckland methodist' Synod news, with articles on Banking salaries, and the Three Strikes legislation.

### Banking Salaries

Revd. Norman Brookes notes the CEO of Westpac earns \$5.5m. and the CEO of the Commonwealth Bank of Australia earns \$20.5m. Revd. Brookes reflects on how work is valued and writes 'we as customers need to wake up. We in the Churches need to wake up'. He says 'As Christian we believe that 'the workman is worthy of his hire' and that we are called to give our best to the task to which we have been appointed.

So we are not opposed to wages or salaries, and are on the side of excellence. But we are called to care for the weakest and most vulnerable in society and to do that we need to ensure the monetary cake is spread across the whole whether the whole be all employees in our banks and other institutions, or society at large.

Locking up excessive salaries for the benefit of few means that thousands of other receive less. Revd. Norman suggests it's time to look for banks which distribute wealth more fairly, and to stop supporting banks which practice gross inequality.

### Three Strikes Legislation

**Lawyer Jan Leman Christiansen wrote about the Three Strikes Legislation**, noting the emphasis of sentencing in new Zealand on punishment, deterrence and reform. The Three Strike legislation has a goal of putting serious offenders in jail for life. After three offences a Judge has no discretion regarding sentencing and is required to imprison such an offender for life. 'At the cost of course to the taxpayer'. The article explores the anomalies of such a rigid law

showing that a person convicted of minor crimes earlier in life could be penalized for life by a later more serious crime. Jan Christianson says

It means there is no chance of restorative justice, repentance and rehabilitation, and from a Christian perspective, limited opportunity for forgiveness by the victim and true remorse by the offender. This law is not only punitive, it does not recognize God's grace nor any human capacity for change.

The law is described by Jan as the antithesis of Christian teaching about forgiveness and the promise of new life.

## Smile & wave won't cut the mustard on asset sales

**An article by Selwyn Pellett, sent to the Public Questions Network by Ken Rae**

Both the media and the public need to look deeper than the carefully constructed sound bites coming from the government on its asset sales plan, because the long term consequences for New Zealand are massive.

In effect John Key has, by resurrecting a failed strategy from our past, signaled that he and his government have no idea how to grow the economy and demonstrated that National's ideological views are driving its decisions without reference to the reality of the situation we find ourselves in.

There are a limited number of arguments in favour of asset sales and so far that's what most of the media is picking up on. But let's ask the serious questions about what sits behind such a move for New Zealand's economy, and how it may affect our society.

Firstly, the justification for the plan is invalid or at least greatly exaggerated. New Zealand doesn't have anything like the same Crown (government) debt as Portugal, Spain Iceland or Greece. The combination of private sector debt -- via our foreign banks -- and Crown debt is unacceptably high at around 90% of GDP. However the difference in New Zealand's case is that a greater proportion of our debt is private sector debt. A default on this debt impacts on the balance sheets of foreign banks not the New Zealand government. Our Crown debt is, by global standards, still low. Lumping these two types of debts together, as the Prime Minister is doing to attempt to justify this policy, is at best mischievous and at worst dishonest.

The second problem is a failure in the financial logic: Who gets the proceeds of the assets sold? It's not the SOEs so all this talk of them suddenly behaving better and more efficiently is simply wafer thin spin. Have we forgotten what happened with Telecom? The dividend stream that flowed out of Telecom - and indeed out of the country - would have been enough to see our broadband infrastructure in place a decade ago, with all the positive effects on GDP growth. Telecom's ability to extract monopolistic pricing effectively became a foreign tax on all New Zealanders and a handbrake on our economic development. That is the history of the failure of asset sales in this country. They simply do not deliver the alleged benefits the politicians of the time promise.

The promised benefits in this case? Debt reduction, for one. But what's the real debt reduction involved here? If the government gets all the proceeds from the sale of the assets and later the SOE sees an opportunity to increase its business that requires additional capital it will come back to the market. If the government is going to maintain its 51% shareholding it will be required to participate in a rights issue or allow its shareholding to be diluted below 51%. So now the Government's spin doctors have a problem; either they say we will allow the shareholding to go below 51%, or there will be no need for capital for these SOEs, or the short to medium term benefits to New Zealand will be less than the \$10 odd billion indicated.

The third issue here is sovereignty: John Key can stack up the initial sale however he likes, but he must know the reality is just like a fish quota: ownership will progressively roll up to less and less people and eventually it will end up becoming substantially foreign owned. It would take serious legislation to prevent this happening and that would hardly be free market behaviour.

Q

Finally, there are a few social issues to ponder. Is it right that a generation that inherited all these state assets and enjoyed those benefits for most of their life, leaves the next generation devoid of any? Shifting debt from the current generation to the next or removing wealth creation assets from a future government's income stream are essentially intergenerational theft. It certainly isn't strategic planning. Surely the current generation should be the one to knuckle down and pay for its mistakes, not future ones?

In the same vein should we be selling state assets to fund tax cuts? The reduction in taxes for the wealthy would enable them to participate in a share purchase with no change to their net income. In other words the Crown is effectively subsidizing the ability for wealthy individuals to take a private stake in what used to be public assets. Meanwhile, Joe Thirty something - with two kids, an average income, high expenses and not enough disposable income to join the sale bonanza - has had his and his children's birthright sold to his wealthier neighbour.

The reality is the free market is not free and it is certainly not fair. We should all be fighting this move very hard if for no other reason than to be fair to future generations of New Zealanders.

## **A Briefing on the Trans-Pacific Partnership Agreement: TPPA Alert – Hands off our Public Health System!**

**By Jane Kelsey. Sent to the Public Questions network by Ken Rae** (we expect to provide further information on the TTP – Betsan)

### **What is the TPPA and how could it threaten our public health system?**

The Trans-Pacific Partnership Agreement is a mega-treaty currently being negotiated between nine countries, including the US, Australia and New Zealand. In reality, the US will veto the final terms of any agreement that do not adequately serve the interests of its powerful corporations, including the drug companies, health insurers and tobacco giants.

### **What does the agreement aim to do?**

Get rid of ‘barriers’ to business across all the countries involved - including public health policies that corporations object to because they impede their profits. The rules will be binding and enforceable in private international courts for decades; the corporations themselves may even be able to take governments to court and demand mega-millions in compensation for any new policies or laws that they say break the rules.

### **Have the corporations said which health policies they are targeting?**

A whole swathe of health-related policies is potentially subject to the TPPA, ranging from foreign ownership of aged-care chains to health and safety rules for products to health qualifications. Among the most important NZ targets are the Pharmac scheme that makes medicines affordable; the no-fault Accident Compensation scheme for workplace and other accidents; and proposed restrictions on cigarette packaging and sales.

### **What have those health policies go to do with ‘trade’?**

TPPA negotiations aren’t primarily about old-fashioned commodity ‘trade’. They cover complex and overlapping chapters on intellectual property, investors’ rights, market competition and public procurement that would restrict our choice of policies and laws, including public health.

### **Explain how a TPPA could stop us providing medicines through Pharmac?**

Pharmac identifies a list of medicines that are priority for government spending and negotiates the price it will pay for them with the drug companies. The Big Pharma lobby expects the intellectual property chapter of the TPPA to restrict the government’s ability to import cheaper generic drugs that keep prices down and to give companies more power over Pharmac’s decisions. Subsidies to reduce the cost of drugs could also come under attack.

### **What would that mean for New Zealanders’ access to medicines?**

The health budget won’t go so far if the government has to pay more for medicines, meaning it would either have to spend more, fund fewer medicines or require people to pay more. Those who can afford increased premiums for private health insurance would get access to lifesaving medicines, while the poor would have to choose between paying for food, rent or medicines.

### **Has that happened in other countries that have treaties with the US?**

Australia’s Pharmaceutical Benefits Scheme, similar to Pharmac, was weakened in the Australia US FTA and faces a renewed assault in the TPPA negotiations. Peru is another TPPA party with a USFTA, whose rules already delay access to cheaper generics medicines.

### **What is the story with tobacco?**

The world's largest tobacco company Philip Morris International (PMI) has a hit list that targets four main measures: bans on displays of tobacco products; plain packaging of cigarettes; warnings on packets; and restrictions on marketing terms, such as 'lite' or 'low tar'. PMI will target any TPPA country adopting similar rules – like those in last year's Māori Affairs Committee report on Tobacco.

### **How could a trade agreement stop us regulating cigarettes?**

A new law that reduces the value of an 'investment', which includes a 'brand', can be challenged as a breach of fair and equitable treatment; it's unclear what benchmark would be used to assess that. PMI could enforce these guarantees directly against the government in a secret international court - it used a similar treaty to file a case against Uruguay in 2010. The rules on 'distribution services' could also stop a government from restricting or banning sales of a tobacco product.

### **Where are the risks for ACC?**

NZ's publicly owned no-fault accident compensation scheme is a political football: National partially privatized ACC in 1999; Labour reversed that in 2000; and National is opening the workers' account to private competition again (a weasel word for privatization). There are huge risks in privatization - 'cream skimming' that leaves the state provider covering the unprofitable risks; insurers becoming insolvent; further cut backs in coverage and entitlements, and insurers refusing claims on technicalities, as they commonly do in the US, condemning injured workers and their families to poverty. Remember it is employers who will choose which insurer they use, not the workers who suffer the injuries.

### **Could a TPPA stop the government from taking back control if privatization fails?**

The financial services and investment chapters a TPPA could

prevent another nationalization of ACC. US firm AIG, which has the largest share of the world market (and received a \$180 billion bailout), will expect the US negotiators to secure guaranteed access to the ACC 'market' and the right to sue for mega-compensation if there is another reversal.

### **Surely there are exceptions that allow governments to put public health first?**

There are some exceptions, but they are subject to negotiation. Governments have to invoke them as a defense once a dispute has arisen and the protection they provide is limited and highly contestable. The threat of a dispute can force governments to retreat.

### **Why on earth would our government even consider a TPPA?**

Partly because it is looking for trade-offs in the (vain) hope of getting access for more dairy products into the US; partly because it remains an evangelist for privatization and letting 'markets' (corporations) rule; and partly because there is not enough pressure to make this kind of deal too politically risky in an election year.

### **Who is speaking out about this?**

The Director of the Public Health Association of New Zealand has voiced its concern:

Health starts, long before illness, in our homes, schools and jobs. Laws - such as food quality, smokefree laws, alcohol control - are our decisions on how to keep our neighbourhoods and homes safer. We should not be told what to do by other countries in a TPPA, just as we should not be letting smaller Pacific states be bullied into bad laws that make bad health, either.

The Greens oppose the TPPA; Labour has said it will protect Pharmac; National is ambivalent; and Māori Party is silent. **What about you?** See [www.TPPWatch.org](http://www.TPPWatch.org) and [www.nznotforsale.org](http://www.nznotforsale.org). For more information also see [www.TPPdigest.org](http://www.TPPdigest.org) and read *No Ordinary Deal*, ed. Jane Kelsey.

## Resourcing Public Questions

### Sharing Power with People and Nature

We published a short article in the February Touchstone on the Sharing Power conference held in Whakatane in January. We heard afterwards that both Te Rito Peyroux, Tauivi youth facilitator, and Jess Rabone, Lay Preacher of Wesley Broadway Parish Palmerston North, preached on what they heard and shared at the conference.

Also taking part were Rosa Solomona, Wesley Wellington Mission director David Hanna and his daughter Kiri Olds, Rev John Howell from St Paul's Union Parish in Taupo parish, and Betsan Martin.



David Hanna at Sharing Power

### Sharing power and caring for creation



Rosa, Jess, Te Rito & Fleur de Lys (Philippines)

Te Rito Peyroux spoke about how the Church can contribute to a just world and better environment. Some of the points she raised are:

- It is important to learn about and value the creation stories of the different cultures that make up our faith community. Often these have a strong resonance with and respect for the environment and the Creator. Examples include Ranginui and Papatuanuku, and Ta'aroa.
- See 'power', not just as authority but as a taonga of the church. These include our hymns, prayers, reflections, ethos and sense of social responsibility. It is important to find creative, effective and appropriate means of

sharing and communicating these through the arts and our services, conversations and everyday actions.

- Examine different models of leadership, and see how more value can be placed on models that encourage *'diaconal', 'servant' and 'group' models of leadership.*
- Walk the talk when it comes to being inter-generational or youth/kid-friendly (as well as gender inclusive, bi-cultural, multi-cultural, and ecumenical). We have to genuinely be what we say we are, and continue to work on things that are worth working towards.

### **Local Economies the Powerhouse of Sustainability**

Here is some more from this gathering to consider 'alternatives to development'.

A purpose of this gathering was to bring indigenous approaches to sustainable environmental policy internationally. Another was to make progress towards harmonizing economic and social policy with the regenerating capacity of ecosystems and use of environmental resources. An ethics of responsibility was often raised as a way support the growing awareness of our love for earth and her bountiful provision for life. Responsibility is a responsive and relational way to guide collective decision-making for the future. It also provides a form of public accountability for the use and management of human and environmental resources.

Swedish Nobel prize winner Elinor Ostram added her weight to the consensus that sustainability is most robust where communities are directly engaged in managing their lands, fresh water, oceans, resources and food supplies. The huge variations in geography and ecologies mean that local enterprise has to be responsive to local conditions and built to the scale of local resources and social capacity. Food sovereignty in local communities and the production of energy

according to local scales need to be strong dimensions of community sustenance.

Ellen Ostram's scientific account of strong sustainability achieved by local communities adds to the evidence of indigenous peoples that governance and management of their own lands and resources has the best long term environmental, economic and social outcomes. In both cases face-to-face relations between people and with the living world create recognition of interdependence. A distinctive point for indigenous peoples in this relational world view is the geneological relationship with earth and all living things.

### **A New Take on Power**

With a conference theme of sharing power, the quintessence of this is treating others with respect and exercising power responsibly. One of the young people, Kiri said

We had all been talking about how we as people, we as individuals have power, no one had yet talked about power being external too, being in something other than



**Kiri Olds**

humans, in nature. A learning from an Aboriginal elder was that everything has power. Water has power, when we drink it, it becomes a part of us. The food that we eat has power and when we eat it, it also becomes a part of us. What we put out contains our power also. Every time we say something aloud it contains a part of our power. Every action we take contains a part of our power.

Kiri continued: ‘It makes sense that those who are better connected to the land, those who understand the lands power are better suited to looking after it. It makes sense that each of us have power and that we all have to work together and *share our power* to make a greater difference. It also coincides beautifully with the idea of responsibility. Every one of our actions, every word we speak contains a part of our power. We are responsible for the effects it has. We are responsible in ensuring it is a good one’.

Responsibility can be a guide when faced with dilemmas – both at a micro-scale – in families, parishes, social services and at macro-scales in communities, regions, nations and at the level of global corporates, treaties, UN Declarations, environmental protocols and climate change agreements. It was generally agreed that responsibility is not the same for everyone – it is proportionate to the exercise of power and influence.

Plenary sessions gave the opportunity to highlight the main themes and panels gave time for participants to share their knowledge and experience.

### **Inspiring and re-energizing insights**

The idea of Sharing Power as a new vision for development was a focus to counteract the mis-use of power in managing environmental resources. The planet can’t sustain the current development model so it was a timely to have in-depth citizen discussions with people with experience in many professional fields and from local practitioners. The young people in our

group were inspired by being able to mix with so many people wanting to discuss these issues and to make change.

The key note speakers gave powerful speeches: we heard from Sir Taihakurei Durie speaking about land tenure, and Professor Sir Sidney Mead Leader and Elder of Ngati Awa ; Winona LaDuke, Ojibwe First Nation, USA; and Ashok Khosla, President of IUCN, of India.

### **Local hospitality**

The generosity of Ngati Awa included magnificent facilitation, organization and hospitality with food from the land and sea in abundance at the feasts, or hakari accompanying powhiri (welcome ceremonies) and during the conference – and even extended to oyster tarts with morning coffee. Field trips to neighbouring iwi – Ngati Tuwharetoa, Te Arawa, Tuhoe as well as to Whale Island were accompanied with introductions to current challenges, agreements for co-management through Treaty settlements and the offer to drink from the deep springs of local knowledge and vision.

### **Challenges ahead**

The message of the environmental and social benefits of local economies based on stewardship was argued for and affirmed. The political implications of this counter-balance to large scale corporate industrialized resource exploitation is that governments can either facilitate local economic development, or stand in the way. The challenge that continues is to bring social and environmental responsibility to multinationals, corporates, finance institutions and nations at a global scale.

## Pacific Resilience and Vulnerability

A seminar on Resilience in the Pacific, in Wellington this month, reminded us that this 'Water Continent' covers 34% of the earth's surface and across its' ocean expanse are the Small Island States as well as the influences and interests of super powers China and the US, Australia, New Zealand and all the other countries of the Pacific Rim: Asia, North and South America, The Arctic and Antarctica.

### **Social and Environmental Resilience?**

This sense of the scope of the region was picked up in discussions about trade and the Trans Pacific Partnership currently under negotiation, and key topics of Climate Change, fisheries, mining, tourism, forestry (mainly in PNG) and development challenges of education, health and infrastructure. With resilience as the focus for the seminar attention was given to the ability of people to withstand and adjust to change, as well as to the far more intractable environmental disaster of climate change for the Pacific. As it was pointed out, the projected minimum 2degree temperature rise means that Islands such as Tuvalu and Kiribati will be submerged.

### **Economic Stress**

A study presented by UNICEF gave evidence of the economic stress being experienced across Pacific countries, and most severely by those who do not have access to land. The most immediate impact is food shortages from rising prices of food. The effects of this on families deepen as children are pulled out from school because costs can't be met. Fishing has also become limited because of the costs of fuel. It was found that even those able to go fishing and grow food are selling their produce to meet other costs, and then being

deprived of food themselves. Economic vulnerability has other implications of increased violence and child prostitution.

### **Overseas Aid**

These are all the kinds of issues that Aid is intended to alleviate and to support conditions that will ensure livelihoods and lead to sustainable local economies. With New Zealand's Overseas Aid Policy now specifically oriented to Sustainable Economic Development' it is unclear how much of NZ Aid will be directed to meeting basic needs. Speakers from Tonga, Fiji, Solomon Islands, Papua New Guinea made some of the tensions of clear. For recipients aid needs to be driven by interests identified by them. For donors their accountability to taxpayers and the economic interests of the donor governments will determine aid policy. The guidance given by these speakers was 'improve the relevance of aid and respect our 'ownership' of it'.

A snapshot of the global picture came into view hearing the CEO of the Ministry of Foreign Affairs focus on the *imbalance* of trade between New Zealand and Pacific Island nations. He emphasised aid as an enabler of development with potential for trade in minerals, tourism, fisheries.

AusAid and China are a big players in the Pacific, and China has a 'no strings attached' aid policy. The TransPacific Partnership, being promoted by the US, and the economic interests of Australia, China, Japan, New Zealand alone indicate a convergence in our region for trade, for strategic alignments, for biodiversity and environmental protection, and not least, for security.

### **Political complexities and opportunities**

The political complexity of the Pacific, where traditional governance is now combined with Westminster constitutions and forms of representation which are both democratic and traditional, was another area woven into the presentations. Constitutional arrangements for independence were acknowledged as not always well designed for the context and were reflected on as needing review. The thirty to forty years of independence seems short in the life of shaping of new political forms to meet the conditions of synthesising Pacific traditions and various forms of western liberal democracies and law.

Speakers from across the spectrum represent many of these and far more diverse interests. They included Tuiloma Neroni Slade, of the Pacific Islands Forum, Minister, Murray McCully and the Chief Executive of the Ministry of Foreign Affairs and Trade, representatives from the British High Commission, Sister Lorraine Garasu from Bougainville, as well as from researchers, economists, academics.

Assistant Vice-Chancellor (Pasifika), Luamanuvao Winnie Laban, of Victoria University ended the symposium with a strong affirmation of the resilience of Pasifika peoples and that these enduring cultures must take every opportunity to realize their potential in the modern context and shape world responses to Climate Change and other economic challenges.

## Land and Water

### Background Briefing – a follow up to the introduction in December.

The Land and Water Forum itself became a microcosm for engagement with iwi and for working across sectors and stakeholders. The many groups with interest in water were represented on the Forum. Stakeholder representatives were from primary industry, the electricity sector, environmental and recreational interest groups, and tourism. There was involvement from central and local government, and the National Institute for Water and Atmospheric Research contributed.

At a report-back meeting in Wellington, Chair Alastair Bisley said the building of relationships during the forum process became the basis for building trust and for capacity to listen and hear different points of view. Those who had opposing interests, such as business as opposed to environmental interests, came to respect the differences and this became the means to forge agreements. The Forum was a crucible for engagement with iwi and steps towards respect for tangata whenua interests is evident in the recommendations.

### Public Questions

What do you know about your waterways in your area – where are they, who manages them, what condition are they in?

How could you find out? Where would you go to find out about these things?

Do you see changes in your rivers and streams?

Are there opportunities for being involved in enhancing your water-ways?

What groups in your area are caring for water, and taking responsibility for improving the condition of local waterways? How are they doing this?

Which groups are allowed to take water – for irrigation or for business? Who has consent to discharge waste into your rivers and lakes?

Have you ever counted the waste water outlets into your rivers?

If you decide to host a forum or discussion on water who would you invite to participate, and to speak, or provide information?

## Major problems Identified

The Forum identified the major failure of water management in New Zealand as the **inability to set limits on water use**.

Limits refer to what is allowed to be discharged into rivers, and what is allowed to be taken, or extracted. If nutrients, microbes, sediment and contaminants enter water from land, the cumulative detrimental effects on water quality combined with reduced water flows from taking water out of rivers and lakes, intensifies deterioration.

Permits for water use are allocated on a **first-in-first-served basis**. Those who seek permits at a later time are then forced into litigation to gain access to permits. Permits are managed by local government which can mean multiple small and competing interests arise. Monitoring, consents and allocations can be variable and many waterways are overallocated. The lack of a national policy for water, and the Forum says that a foremost need is for a **National Water Policy Statement**.

A governance issue is the need for a clear mandate for a **Treaty based engagement between local government and iwi**. Beyond that there is a need for integration of all the sectoral interests in water: agriculture, tourism, energy, biodiversity, landscape, land use (such as forestry), recreation, conservation.

The drop in funding for research on water by 30% since 1990 is the cause of New Zealand **falling behind in knowledge and capacity** in water management. There is no leadership or

coordination because no organization is charged with oversight of water.

**Water services management** is a significant challenge. Stormwater, wastewater, drinking water and flood control are controlled by 67 local utility providers and 12 regional councils. Management is inconsistent, with problems caused by scope and scale of these responsibilities.

## What is Needed

‘A Fresh Start to Water’ says that the priority for New Zealand is a National Standards framework which sets goals and identifies objectives for water quality and water management. These need to be given effect through the RMA and regional council. This should be achieved through a National Policy Statement for Water.

The Forum proposed the need for Treaty based procedures for negotiation between iwi and local government are needed at regional levels. Community interests should follow on from and support agreements with iwi.

These provisions are not well spelled out in the Forum report, but management of water and waterways has been an historic source of grievance for hapu and iwi and those seeking to carry out kaitiakitanga responsibilities for water and waterways. An example of the incompatibility between the current governance of water and that of Te Ao Māori is the way the water column, the bed of a river or lake, the banks (or shores), and adjacent land are all separated. They may be separately owned and managed. Yet all these components are part of one dynamic interwoven ecosystem, and that is the basis for traditional

management systems. Increasingly the wider public appreciated the importance of this integrated approach as the most effective and sustainable means to ensure the health of waterways and to sustain their living dynamics.

The Forum report discusses the importance of community involvement in decision-making and care for water. Community participation provides a basis for collaboration between users and different interest groups. However when there are competing interests there are strong likelihoods that those with more money and resources can influence decisions and over-ride local and environmental priorities, as well as iwi interests. The commentary by Environment and Conservation organizations said:

Too often the community defending the environment for future generations is up against those with long pockets and profit to be made by over-extracting from our rivers and wetlands. We supported looking for less confrontational ways to discuss these serious issues and develop sound water strategies' (Diana Shand for ECO, 22.9.2010).

The proviso of a strong environmental framework needs to be set alongside community participation. Effectiveness in achieving catchment standards, targets and in establishing limits to water use will be enhanced by community co-operation and support.

### **Issues and proposals**

The catchword of the Land and Water Forum is Collaboration.

There is a variety of tools for managing limits and achieving targets once they are set. They need t be

developed and deployed – in collaboration with stakeholders and iwi- in ways that recognize differences between catchments and objectives, and which allow the different approaches to support and enhance one another (p. x).

Collaboration needs to be complemented with regulation through industry standards, with consistent standards of auditing. Price based measures for activities that effect water quality need to be investigated, and clean up of contaminated water bodies is a priority.

Although New Zealand has plentiful water, there is scarcity in terms of allocation. The first step for the management of allocation is to identify the amount of water that should be reserved for ecological integrity and for recreation. This would indicate what amount of water can be then allocated without putting the 'in-stream flows' or dynamics of the water body at risk.

A set of principles for allocation might be a better guide than first-in-first-served method. These include:

- Make provision for conditions to change on the expiry of existing consents
- Design a system of allocation based on a regional plan that prioritizes both efficiency, iwi, and community interests
- Tenders, auctions or re-tendering for expired permits are suggested as options for a payment system to set up a value and a cost for the use of water.

'A fresh Start for water' says 'any transition to a more effective allocation should proceed hand-in-hand with discussions

[between Iwi and the Crown], to avoid the risk that it will be revisited later with disruptive consequences’ (xiii).

### **Pathways Forward & Recommendations**

At the Governance level, the signature recommendation of the Land and Water Forum is for a **non-statutory National Land and Water Commission** to be established on a co-governance basis with iwi. This Commission would have oversight of implementing the Land and water strategy and provide advice on the management of water resources. Integration should be the key driver of the strategy and should be the bases for enhancing cultural, economic, environmental and social values. The responsibilities of the Commission would include facilitating regional water strategies, and providing data and knowledge about water including matauranga Māori, to support the strategies. The Commission would recognize and support iwi relations with the crown and iwi expectations of water management.

Regional council management of water resources should be improved through the mandatory development of integrated water management plans under the Resource Management Act. Collaboration would be the basis for these plans. All councils must use their existing powers under the RMA to control land uses that impact on water quality.

### **Reflections**

The hydrolic cycle is an ecosystem in which fresh water, rain, air, rivers, lakes and oceans are all inter-related as a whole and are interdependent with land ecosystems. The reality is that

land use, soil and water are inter-linked and every use in one part has a flow on effect in another. ‘Rain carries sediment, nutrients, and contaminants and they way we use and manage soil effects the quality and availability of fresh water’ (:7).

Acknowledgment by the Land and Water Forum of the inter-relatedness of water and land and human interests and misuses is heartening. It was clearly energized by members dedicated to the cause of addressing the urgent need for renewed water management in New Zealand.

The signaling of a Crown-iwi co-governance framework for the proposed Commission gives even more hope of a move toward addressing Treaty agreements and building a power-sharing Treaty framework. We could even suggest that this gives hope of realizing the prophetic covenantal commitments of the Methodist church in the state arena. The mission for the care for integrity of creation finds a further possibility in the holistic thinking that informs the discussion and recommendations. We have a way to go to build the political will to achieve the levels of collaboration and integration sought in these proposals for water.

Water is vital to economic development, and water is coming under closer scrutiny by New Zealanders concerned about declining water quality. There is a growing demand for food and goods sourced from environmentally responsible water management practices. It is often said that the New Zealand brand is in jeopardy, and is a misrepresentation of being clean and green because of the deteriorating condition of our waterways.