It is clear that the natural environment is essential to human survival. However, today's societies exhibit a clear disconnect with this fact, the creation of modern technologies helping us take for granted the services provided by the natural world. This has caused our way of living to become ecologically unsustainable, generating the need for new legal thinking on how to define, require and enforce ecological sustainability. In February 2014, Catherine Iorns and Petra Butler held a conference...
"Setting the Scene for the 'New Thinking on Sustainability' Conference"  
(SIR GEOFFREY PALMER QC, Victoria University of Wellington - Faculty of Law  
Email: geoffrey.palmer@vuw.ac.nz)

This is the Opening Address to the "New Thinking on Sustainability" conference held at Victoria University of Wellington in February 2014. In his address Sir Geoffrey Palmer QC traces the history of the sustainability issue. Since the 1970s there has been increased global concern about the long list of environmental problems that our planet is facing. Sir Geoffrey considers the international developments in environmental protection commencing with the Stockholm Declaration of the United Nations Conference on the Human Environment in 1972. Finally, policy approaches to achieving sustainable development are discussed with particular reference to the Resource Management Act 1991. Unfortunately, current policy initiatives undertaken by the New Zealand government are not consistent with sustainable development as the touchstone for environmental law in New Zealand.

"Maori Cultural Rights in Aotearoa New Zealand: Protecting the Cosmology that Protects the Environment"  
(CATHERINE J. IORNS MAGALLANES, Victoria University of Wellington - Faculty of Law  
Email: Catherine.Iorns@vuw.ac.nz)

This paper first addresses indigenous beliefs about humans’ relationship with nature and thus their place in the world, and how the indigenous cosmology contrasts with the dominant and prevailing Western and liberal ideas.

The paper next addresses the New Zealand examples of the recognition of the right of Maori to have their cosmology upheld in NZ law. In order to understand the current position and how it arose, the history of the Treaty of Waitangi is explained, as is the mechanism adopted to address the Maori grievances arising from its many breaches by the New Zealand government.

Next, different aspects of NZ law are addressed, from recognition of Maori interests and thus cosmology in mainstream resource management decisionmaking, to special arrangements designed specifically to implement Maori cosmology in the management of NZ’s natural resources. It is these special arrangements in particular which environmentalists have focused on because some recent examples have recognised in law the Maori view that the natural environment should be treated more as a person — indeed, as a relative — rather than simply as a resource. These examples from New Zealand illustrate ways in which the law can be used to implement and incorporate indigenous cosmologies with a Western society and legal system and better protect the natural environment in the process.

"Tino Rangatiratanga and Sustainable Development: Principles for Developing a Just and Effective System of Environmental Law in Aotearoa"  
(CARWYN JONES, Victoria University of Wellington - Faculty of Law  
Email: carwyn.jones@vuw.ac.nz)

This paper concerns the development of a just and effective environmental legal system in New Zealand, one that is justly based on the Treaty relationship, and that effectively creates good environmental outcomes. The author first lists the basic requirements of a just and effective environmental legal system in regards to the Treaty of Waitangi, Māori environmental law, and sustainable development. The article then goes into detail as to what principles can guide environmental law to achieve these requirements.

"New Zealand’s Defective Law on Climate Change"  
(2015) 13 NZJPIL  
(Victoria University of Wellington Legal Research Paper No. 8/2016)
The article describes the world-wide efforts or the lack thereof to combat climate change in the last 25 years. The article asks whether the world has to wait until the adversity actually sets in before effective action is taken; whether the failure to act is caused because people have not yet felt the adversity of climate change and will not sanction serious action until the consequences are evident to them. If that is so, will it then be too late to mitigate global warming? The article explores those questions and makes some hopeful suggestions as to what can be done to achieve zero greenhouse gas emissions. The article examines the state of New Zealand law on climate change and the approach New Zealand is taking to international negotiations.

"Diving in the Deep End: Precaution and Seabed Mining in New Zealand's Exclusive Economic Zone"

Catherine J. Iorns Magallanes, Victoria University of Wellington - Faculty of Law
Email: Catherine.Iorns@vuw.ac.nz

Environmental precaution has developed as one of the cornerstones of modern law concerning sustainability. The idea is that where there is uncertainty as to the effects of a proposed activity, such uncertainty should not be used as an excuse for taking no action to address effects. While New Zealand's key environmental statute, the Resource Management Act 1991 (RMA), does not specifically refer to precaution in its consenting context, the courts have seen a precautionary approach as inherent in its provisions in a variety of ways. The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act), in contrast, specifically requires decision makers to favour caution and environmental protection in s 61(2) when information is uncertain. However, the exact ways in which this is to occur are unclear. The EEZ Act closely mirrors the structures of the Resource Management Act, and the ways in which precaution has been recognised in the latter might also be recognised in the former without the need to refer to s 61(2). It is therefore helpful to consider what that section will add to a regime into which precaution can already be read. This article explores the merits of various ways in which precaution could be implemented under s 61(2). It also investigates the way in which precaution has been treated by the Environmental Protection Authority in the context of deep seabed mining in the first two consenting decisions made under the Act. It concludes that, despite some comments that s 61(2) is vague and weak, the most persuasive interpretation is one that has at least the potential to be relatively liberal and strongly precautionary.
particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

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