

Ecocide: New Zealand Legislation and Māori Culture

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Abstract

An international ecocide law requires two-thirds of States Parties of the International Criminal Court to vote in favor of establishing it as an amendment to the Rome Statute. Our sponsors, Island Reach and Shirleen Chin, want to gauge the feasibility of New Zealand joining as a supporter. This project assessed the stance of key Māori leaders and philosophers, and the New Zealand government on environmental justice, and how these views may align with an ecocide movement. Through archival research, semi-structured interviews, and participant observation, we delved into the environmental and legal influence of Māori culture. Our analysis of the Māori philosophy and New Zealand legislation may help assess a pathway for an ecocide law.

Acknowledgements

We appreciate everyone who supported our research efforts and the ecocide movement in Wellington, New Zealand.

This project would not have been possible without the guidance of our sponsors, Brooks McCutchen and Janis Steele from Island Reach Foundation, and Shirleen Chin from Green Transparency. They inspired us to become environmental stewards and have given us the opportunity to take part in an ecocide movement.

Thank you to our advisors, Professor Leslie Dodson and Professor Gary Pollice, for nurturing our ideas since the beginning of this IQP. We appreciate you advising us throughout the duration of the project, allowing us to grow as individuals, and providing us with intellectual freedom.

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- Tom Bennion
- Alison Cole
- Joan Costello
- Dr. Ocean Mercier
- Dr. Bjørn-Oliver Magsig
- Dr. Carl Mika
- Millan Ruka
- Mike Smith

Regards to Kyra Biederman and Emily Stead for collaboration in the early stages of this project.

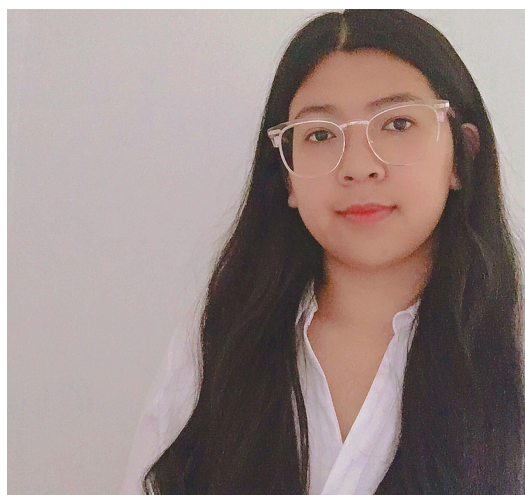
Finally, thank you to Worcester Polytechnic Institute for this amazing opportunity to participate in the Global Projects Program, immerse ourselves in a new culture, and hone our abilities as researchers.

Meet the Team



Amanda Chan

Kia ora! My name is Amanda. I am currently pursuing a Bachelor of Science in Computer Science with a minor in Data Science. I am from Old Greenwich, Connecticut. Working on this project has raised my awareness of the global environmental issues we have to solve. This has encouraged me to reconsider my own values pertaining to the environment. My IQP experience in New Zealand proved to be an excellent opportunity for me to learn more about the culture of another country.



Ariana Ly

I am currently a third-year chemical engineering major studying at Worcester Polytechnic Institute.

My Mihimihi¹

Tēnā koutou e hoa mā! (Hello friends!)
 Nō Cambodia ōku tūpuna.
 (My ancestors are from Cambodia.)
 Nō Lowell, Massachusetts ahau.
 (I am from Lowell, Massachusetts.)
 Ko Ariana ahau. (My name is Ariana.)
 Mauri ora! (Life and wellness!)

Humans are all connected in some way, so when someone feels bad, it is true for a lot of us. For this reason, people must take an active role in politics. People have to change the way the world is running, so we can heal ourselves along the way. This is something I read from *Healing through the Dark Emotions* by Miriam Greenspan, and something I learned through this project work. Therefore, I am expanding my mindfulness of international issues, and developing my social and political identity.

¹ Personal introduction in the Māori language.

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2.6 Māori Peoples of Aotearoa New Zealand	Ariana Ly	Amanda Chan
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Māori Glossary

Awa - rivers

Kaitiakitanga - guardianship

Karakia - recitation or chant

Mihimihi - personal introduction in the Māori language

Pākehā - non-Māori people

Papatūānuku - Earth Mother

Ranginui - Sky Father

Taiao - environment

Tangata - people

Tapu - sacred, holy, or restricted

Te ao mārama - the world of light and enlightenment

Te reo - Māori language

Tuna - eel of various species

Whakapapa - our history, genealogy

Executive Summary

The Amazon forest “produces more than 20% of the world’s oxygen and yet is being felled at a rate of 1 [soccer field] every second” (Ecocide Law, 2020). The Amazon deforestation is driven by large-scale industrialization and cattle-ranching. In fact, in August 2019, Amazon fires were deliberately started “by cattle ranchers, farmers, and land grabbers, who wanted to increase land holdings” (Volckhausen, 2020). Examples of ecocide “include the deforestation of the Amazonian rainforest, the proposed expansion of the Athabasca Oil Sands in northeastern Alberta, Canada and polluted waters in many parts of the world, which account for the death of more people than all forms of violence including war” (Higgins, 2010). Currently, there is no international law to protect the Earth from attacks on the environment and hold individuals accountable for their damage.

The working definition of an ecocide crime is: “the serious loss, damage, or destruction of ecosystem(s), including cultural or climate damage” (S. Chin, personal communication, February 2020). Destruction at this scale would hold powerful individuals, such as Chief Executive Officers (CEOs) of fossil fuel companies, accountable for the intentional destruction of the environment. The ICC is an intergovernmental organization which investigates, prosecutes, and tries individuals who commit heinous crimes on an international scale (International Criminal Court, 2020). Representatives of the ICC are drafting an international ecocide law that will address wide-spread systematic attacks on the environment. An international ecocide law would need two-thirds of States Parties to the International Criminal Court (ICC) to pass. Any State Party to the ICC can propose an ecocide amendment to the Rome Statute, a multilateral treaty which establishes four international atrocity crimes: genocide, crimes against humanity, war crimes, and the crime of aggression (Rome Statute, 2020). Ecocide is the fifth missing crime to the Rome Statute (Figure 1). To pass, the proposal requires two-thirds of States Parties to vote in favor. While there are some early supporters, it is still unclear how many countries would support an ecocide law.

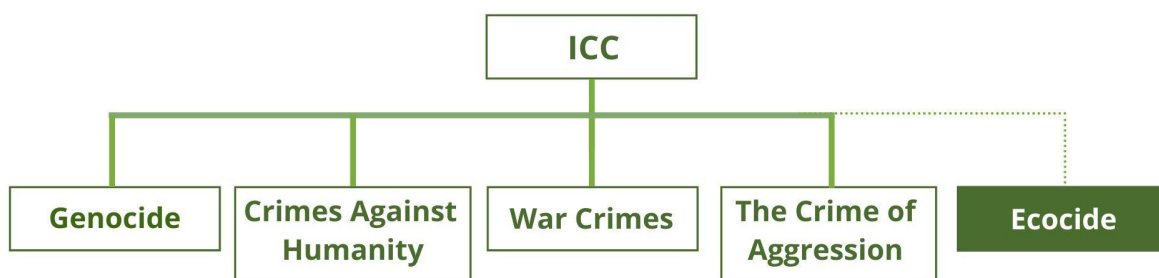


Figure 1. Ecocide is considered the fifth missing crime (Adapted from Ecocide Law, 2020)

Ecocide is not only about environmental destruction, the crime also applies to loss of cultural practices and detrimentally affects those who depend on their environment (Ecocide Law, 2020). New Zealand is a party to the ICC and has the ability to support the addition of an international

ecocide law. As of today, support for an ecocide law is largely from Pacific islands. Thus, support from New Zealand might help push this ecocide movement to the next stage.

Goal and Objectives

Our goal is to gather perspectives from key Māori leaders and philosophers, and the New Zealand government on environmental justice, and how these views may align with an international ecocide law. To accomplish this goal, we created three objectives:

1. Explore perspectives from key Māori leaders and philosophers on ecological conservation and destruction
2. Assess the role of Māori environmental activism in the New Zealand government
3. Investigate two pieces of environmental legislation and their relevance to further global support for an ecocide law

To accomplish these objectives, we used three primary methods: (1) archival research, (2) semi-structured interviews, and (3) participant observation.

Our team conducted archival research at local libraries, online directories, and government registries. We looked at major legal and historical documents to better understand the Māori culture and the New Zealand government.

We conducted semi-structured interviews with key informants, such as Māori leaders, philosophers, individuals, and environmental legal experts. Our strategy involved asking each interviewee questions pertaining to their background, experience, and relationship to nature. We interviewed Māori individuals to understand their environmental values. Additionally, we interviewed legal experts for their perspective on environmental legislation.

We used participant observation to gain an understanding of the perspectives of Māori individuals and the New Zealand government on environmental conservation and destruction. For instance, we participated in various Māori cultural activities, such as Waitangi Day and Māori language classes. Additionally, we attended a select committee of the New Zealand Parliament to better understand the dynamics of these discussions.

Findings

We organized our three groups of findings into a Venn diagram to showcase the intersections between the Māori peoples, the New Zealand government, and an international ecocide law (Figure 2).



Figure 2. Intersections between Māori perspectives, New Zealand legislation, and an International Ecocide Law.

Māori Peoples: Our first key finding is that representatives within the Māori community may support an international ecocide law. While there may be different reasons, either to support or oppose, we found some possible reasons for why members of the Māori community might support an ecocide movement:

- (1) traditional Māori beliefs align with an ecocide movement
- (2) some may see an international ecocide law as a way of preserving their biocultural diversity
- (3) the climate crisis is severely impacting some Māori communities

Māori Environmental Activism: Our second key finding is that Māori activism influences legislation in New Zealand. Māori individuals, such as Mike Smith and Millan Ruka, have active roles in environmental activism and petitioning for environmental justice. Additionally, laws

granting personhood rights to nature, such as the Te Awa Tupua Act of 2017, have come to fruition due to the influence of Māori culture and activism.

New Zealand Government: Our third key finding is that the New Zealand government may support an international ecocide law to appear as a global leader. For instance, the New Zealand government's support for the Paris Agreement through the Zero Carbon Act and Emissions Trading Reform Bill suggests they currently consider environmental issues internationally. However, because an international ecocide law affects their domestic laws and policies, they may not initially support it. An example of why the New Zealand government may not initially support an ecocide law is the way in which they responded to the ratification of the crime of aggression. This response reveals the extent to which New Zealand might not support an international ecocide law.

Recommendations

Based on our findings, we recommend to Island Reach and Shirleen Chin:

1) Climate crisis impacts for the entirety of Māori communities

We explored how climate change impacts are affecting some Māori communities, but further and more intensive research on these effects can be done for more Māori communities within New Zealand. We suggest exploring specific Māori tribes and understanding how climate change has and will impact their cultural practices. This might involve recording personal stories from interviewees and deep immersion into a Māori tribe's culture and traditions.

2) Range of Māori perspectives on an ecocide law

From our research, we were able to begin to understand the fundamental and traditional beliefs underlying the Māori worldview. Based on our finding, we cannot generalize the opinions of our key informants for the entire Māori population. As with any area, there are several branch points of opinions. Therefore, our team recommends obtaining additional key Māori informants. Another suggestion is to start with investigating the viewpoints of a specific Māori tribe or organization. This will help build an understanding of various perspectives within the Māori community as it relates to ecocide.

3) Investigate the extent to which laws are enforced

If an international ecocide law is passed and New Zealand becomes a supporter, the issue of enforcement still needs to be addressed. New Zealand has environmental legal precedent and expresses global climate action. However, many people expressed their concerns of the New Zealand government's lack of environmental law enforcement. We recommend that future teams investigate whether this sentiment is true. By doing so,

we will better understand whether New Zealand's global interest is genuine or an attempt to maintain a good public image.

4) Other Global Project sites

Overall, we believe this project's mission can be extended to other Global Project sites, especially sites located in countries that are States Parties to the ICC. Currently, there are 123 States Parties that can submit a proposal to support the addition of an international ecocide law to the Rome Statute. In order for the ICC to establish an international ecocide law, at least two-thirds of States Parties must vote in favor of amending an ecocide law to the Rome Statute. Our research approach can be implemented by future project teams by focusing on stakeholder groups within the country who represent different power groups. This will involve understanding the country's incentives or issues in adopting a domestic ecocide law. Other current project centers located in a State Party are: Albania, Argentina, Australia, Brazil, Costa Rica, Czech Republic, Denmark, Ecuador, France, Germany, Ghana, Greece, Iceland, Italy, Japan, Namibia, Panama, Paraguay, Romania, South Africa, Sweden, Switzerland, and the United Kingdom.

Island Reach may want to consider contacting:

- The Māori community
- Fiji Project researchers

Shirleen Chin may want to consider contacting:

- Ministry of Foreign Affairs
- New Zealand Bureau Association
- Climate Change Mitigation Network
- Generation Zero

Chapter 1. Introduction

The Amazon forest “produces more than 20% of the world’s oxygen and yet is being felled at a rate of 1 [soccer field] every second” (Ecocide Law, 2020). Furthermore, human activity currently threatens to demolish 80% of the world’s forests (Volckhausen, 2020). As an example, the Amazon deforestation, discussed in Section 2.5, is driven by large-scale industrialization and cattle-ranching. According to Ane Alencar, Science Director at the Amazon Environmental Research Institute, the Amazon fires in August 2019 were deliberately started “by cattle ranchers, farmers, and land grabbers, who wanted to increase land holdings” (Volckhausen, 2020). Similarly, several companies involved in operations at Athabasca Oil Sands (Figure 3), such as Suncor, Syncrude, and Shell Canada, are contributing to deforestation, water and air pollution, and the creation of mining pits and toxic tailings (The Earth Observatory, 2020).



Figure 3. Tailing ponds in Alberta’s oil sands region (Willms, 2019).

In fact, around the Athabasca River “is one of the world’s largest collections of tailings waste ponds—able to fill more than 500,000 Olympic swimming pools. These are so toxic, ducks and other birds have to be prevented from going near them” (Leahy, 2019). Examples of ecocide “include the deforestation of the Amazonian rainforest, the proposed expansion of the Athabasca Oil Sands in northeastern Alberta, Canada and polluted waters in many parts of the world, which account for the death of more people than all forms of violence including war”

(Higgins, 2010). While ten countries, such as Georgia (1999), Armenia (1999), Ukraine (2001), Belarus (1999), Kazakhstan (1997), Kyrgyzstan (1997), Moldova (2002), Russia (1996), Tajikistan (1998), and Vietnam (1990), established a domestic ecocide law (Ecocide Law, 2020), the crime of ecocide is not recognized as an international law.

The International Criminal Court (ICC) is an intergovernmental organization which investigates, prosecutes, and tries individuals who commit heinous crimes on an international scale (International Criminal Court, 2020). Currently, representatives of the ICC are drafting an international ecocide law that will address widespread systematic attacks on the environment. The working definition of an ecocide crime is: “the serious loss, damage, or destruction of ecosystem(s), including cultural or climate damage” (S. Chin, personal communication, February 2020). Destruction at this scale would hold powerful individuals, such as Chief Executive Officers (CEOs) of fossil fuel companies and corrupt government officials, accountable for the intentional destruction of the environment.

Any State Party to the ICC can propose an ecocide amendment to the Rome Statute. To pass, the proposal requires two-thirds of States Parties to vote in favor. While there are some early supporters, it is still unclear how many countries would support an ecocide law. Since New Zealand is already a party to the International Criminal Court, our sponsors, Island Reach and Shirleen Chin, want us to help them identify if New Zealand might support an ecocide movement. We focus on two stakeholder groups: the Māori community and the New Zealand government; the Māori have cultural power and the New Zealand government has legal power.

The goal for this project is to assess the perspectives of key Māori leaders and philosophers, and the New Zealand government on environmental justice, and how these views may align with the addition of an international ecocide law. In order to meet this goal, we approached the problem through the following objectives: (1) explore perspectives of key Māori leaders and philosophers on ecological conservation and destruction, (2) assess the role of Māori environmental activism in the New Zealand government, and (3) investigate two pieces of environmental legislation and their relevance to further global support for an ecocide law.

Chapter 2. Literature Review

Due to human activity, widespread environmental destruction has wiped out entire ecosystems, raised wildlife extinction rates, and caused global warming (United Nations Sustainable Development, 2019). An international ecocide law would establish global coordination on who to hold accountable for the intentional destruction of the environment. While documentation of the consequences of mass ecological damage exist, these actions do not receive punishment as international atrocity crimes. In this chapter, we describe the ecocide movement to date, discuss the influence of Māori culture as it relates to environmental conservation and study the existing precedents for the legal rights of protecting the environment.

2.1 The International Criminal Court and the Rome Statute

There are two separate entities that address international criminal laws located in The Hague²: the International Court of Justice (ICJ) and the International Criminal Court (ICC). The primary distinction between the two is that the ICJ handles disputes between countries, while the ICC prosecutes individuals. We focus on the efforts of the ICC, since it is where an international ecocide law would be drafted.

The ICC was established in July 2002 with the purpose to “help put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole” (International Criminal Court, 2019). It is important to note that these crimes do not have retroactive jurisdiction (ICC WebSite, 2016). The ICC gets its mandate from its governing document, the Rome Statute, a multilateral treaty which outlines four overarching atrocity crimes within Article 5: genocide, crimes against humanity, war crimes, and the crime of aggression (Rome Statute, 2020). The Rome Statute ensures that signatories have a duty to cooperate with the Court when it requires.

The ICC has jurisdiction in three locations:

1. *“On the territory of States Parties or countries that have accepted the ICC’s jurisdiction*
2. *In other countries, if crimes are committed by nationals of States Parties or countries that have accepted the court’s jurisdiction*
3. *In other countries if the crimes were referred to the ICC prosecutor by the United Nations Security Council pursuant to a resolution adopted under Chapter 7 of the UN Charter”* (ICC WebSite, 2016).

As of February 2020, the ICC is made up of 123 countries and territories, known as ‘States Parties.’ However, support for the ICC is not universal (Figure 4). Countries can have five types of statuses in relation to the ICC: (1) State Party, (2) signatory that has not ratified, (3) State Party that subsequently withdrew its membership, (4) signatory that subsequently withdrew its signature, and (5) non-State Party, non-signatory.

² A city in the Netherlands

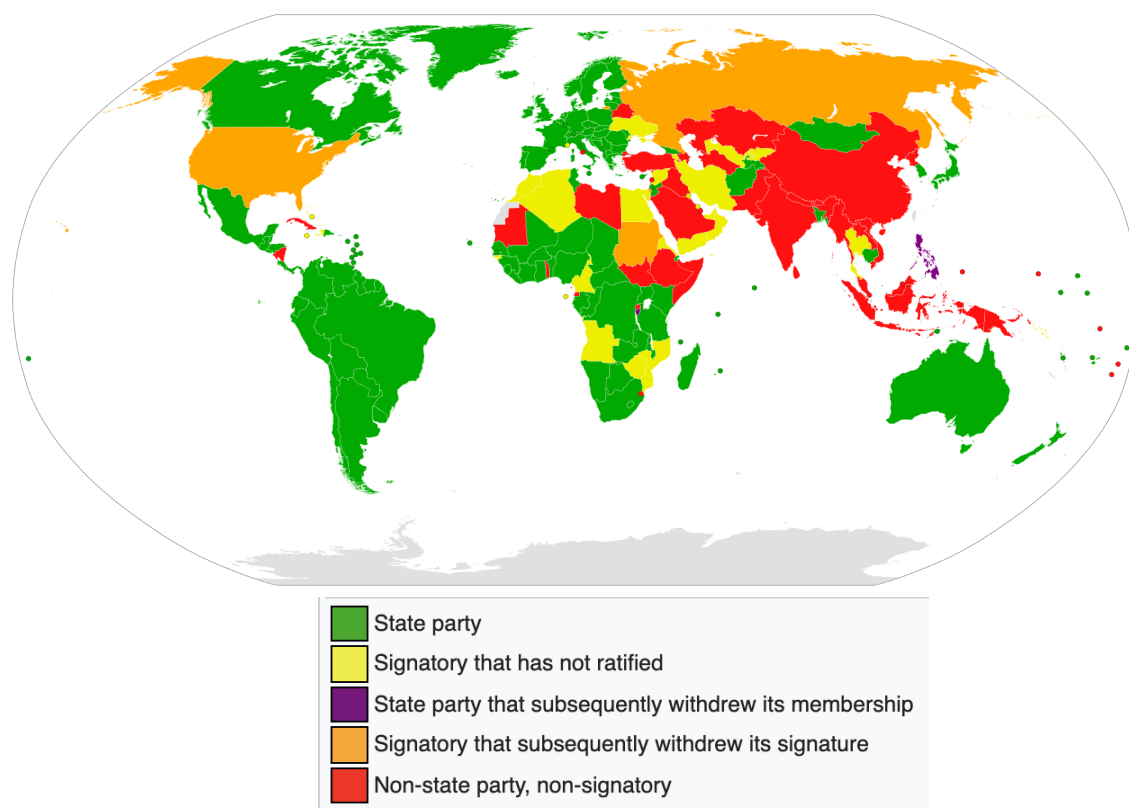


Figure 4. ICC States Parties (Wikipedia, 2020).

The relationship between the ICC and particular countries is complex. For instance, large, powerful countries, such as the United States, China, and Russia do not recognize the ICC, presumably because they do not want to relinquish their power to a third-party entity. Whereas, smaller Pacific islands have expressed interest in joining as States Parties to the ICC as means of protection from these larger countries.

However, a major criticism of the ICC relates to the disproportionate number of cases in Africa. As of April 2019, “Of the 11 situations currently under formal investigation by the Prosecutor of the ICC, all but one are in Africa” (Jalloh, 2019). This led people to believe the ICC is biased towards African states. Furthermore, some argue that the ICC “just like the larger international legal order within which it operates, is Eurocentric³ and the world views, perspectives and stand points it reflects and embeds are uncompromisingly European” (Allo, 2018).

³ Focusing on European culture or history to the exclusion of a wider view of the world; implicitly regarding European culture as pre-eminent

2.2 An International Ecocide Law

The term “ecocide” has a history dating back to 1970 when Arthur Galston spoke about Agent Orange⁴ at the Conference on War and National Responsibility in Washington, D.C. (Ecocide Law, 2020). Galston was a biologist who contributed to the creation of Agent Orange; however, he was against using Agent Orange as it would cause mass destruction to the environment (Wijdekop, 2016). Since then, there have been a handful of attempts to make ecocide a recognized international crime.

Drafting an International Ecocide Law

During the drafting of the Rome Statute, a multilateral treaty which establishes international crimes, ecocide was proposed to be one of these crimes. However, in 1995, ecocide was withdrawn from the draft during the final hour after the United Kingdom, the United States, and the Netherlands pressed for its removal (Monbiot, 2019). The Special Rapporteur removed ecocide from the draft because it was believed that it would be too difficult to enforce (Ecocide Law, 2019). A movement for instating an ecocide law has been underway since its removal from the draft.

The late Polly Higgins, the pioneer of the ecocide movement, began to challenge the gap between human rights and environmental rights. Higgins was a practicing lawyer in London who specialized in corporate and employment law but decided to become an environmental advocate (Higgins, 2019). The sole question that motivated her to fight for the recognition of ecocide was “how do we create a legal duty of care for the Earth?” (Higgins, 2019; Watts 2019). In April 2010, Higgins proposed to the United Nations Law Commission an amendment to reconsider the addition of ecocide to the Rome Statute as the 5th Crime against Peace (Higgins, 2012). She defined ecocide as:

“the extensive damage to, destruction of or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been or will be severely diminished” (Higgins, Short, & South, 2013).

According to Higgins, “extensive can be [defined as] either widespread, long lasting or severe” (Figure 5) (Higgins, 2012).

⁴ A defoliant chemical used during the Vietnam War

- (a) "widespread": encompassing an area on the scale of several hundred square kilometers;
- (b) "long-lasting": lasting for a period of months, or approximately a season;
- (c) "severe": involving serious or significant disruption or harm to human life, natural and economic resources or other assets.

Figure 5. Definitions from the 1977 United Nations Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (Higgins, 2012).

Higgins argued that it should be the legal duty of not only businesses but also of nations to preserve the environment. By pursuing legal repercussions, Higgins believed that “nations will be legally bound to act before mass damage” (Higgins, Short, & South, 2013). Although Higgins’ proposal has yet to be accepted, her efforts revived the conversation about ecocide as an international crime.

Currently, representatives of the ICC are drafting an international ecocide law that will address wide-spread systematic attacks on the environment. The working definition of an ecocide crime is: “the serious loss, damage, or destruction of ecosystem(s), including cultural or climate damage” (S. Chin, personal communication, February 2020). Destruction at this scale would hold powerful individuals, such as CEOs of fossil fuel companies, accountable for the intentional destruction of the environment. At the moment, there is little-to-no compensation for environmental damage caused by industries that pollute. The concern is that CEOs and other corporate leaders can leave their prior company, take up a new executive position at another firm, and the process of environmental exploitation for monetary gain is repeated (Chin, 2019).

Implementing an International Ecocide Law

In order for the international community to recognize ecocide as a crime, at least one State Party must submit a proposal to the ICC to amend the Rome Statute to include the crime of ecocide. The proposal must receive two-thirds of the States Parties to vote in favor of it. Only one vote is needed from each country as votes are not weighted.

Ratification serves as a promise by the government to adopt the law domestically. After ratification, the process of implementation follows. If and when ecocide becomes an international crime, New Zealand must adopt this into domestic law, provided they are supportive and will not exercise reservations⁵. However, if a seven-eighth vote is achieved at the ICC, no reservations can be entered by States Parties, and the new crime will apply across the board. The government can choose whether to implement the law as is or customize it to domestic needs. Most governments choose the latter as legal systems are unique and governments are given the option to adopt international laws in a manner that suits their respective national contexts and legal cultures (S. Chin, personal communication, February 2020).

⁵ To be exempt from certain elements of the crime

Enforcing an International Ecocide Law

The ICC only prosecutes cases when a country is unwilling or unable to do so genuinely (ICC WebSite, 2016). Therefore, if an individual is from a State Party that cannot or will not address a case of ecocide, the individual may contact the ICC to examine whether an ecocide crime has been committed; however, individuals from non-States Parties cannot contact the ICC to address their case. Individuals from a State Party can initiate a case against and prosecute an individual from a non-State Party through the ICC. As the ICC is solely a judicial institution, the ICC “relies on cooperation with countries worldwide for support, particularly for making arrests, transferring arrested persons to the ICC detention center in The Hague, freezing suspects’ assets, and enforcing sentences” as means of enforcement (Figure 6) (International Criminal Court, 2020).

1. Preliminary Examinations	The Office of the Prosecutor must determine whether there is sufficient evidence of crimes of sufficient gravity falling within the ICC's jurisdiction.
2. Investigations	The Prosecution requests ICC judges to issue (1) an arrest warrant or (2) a summons to appear.
3. Pre-Trial Stage	After hearing the Prosecution, the Defence, and the Legal representative of the victims, the judges decide if there is enough evidence for the case to go to trial.
4. Trial Stage	Judges consider all evidence, then issue a verdict, and when there is a verdict of guilt, issue a sentence.
5. Appeals Stage	Both the Prosecutor and the Defence have the right to appeal a Trial Chamber's decision on the verdict and the sentence.
6. Enforcement of Sentence	Sentences are served in countries that have agreed to enforce ICC sentences.

Figure 6. ICC legal process (Adapted from International Criminal Court, 2020).

2.3 Advocates of the Ecocide Movement

This section includes supporters of an international ecocide law. Here, we explore an environmental group known as the Ecological Defence Integrity organization, a legal expert named Shirleen Chin, and the Island Reach Foundation.

Polly Higgins and EDI

Polly Higgins and Jojo Mehta co-founded the Ecological Defence Integrity (EDI) organization in the UK in 2017 to advance the ecocide movement. The Ecological Defence Integrity organization is leading a campaign called “Stop Ecocide: Change the Law,” gaining supporters from around the world. These supporters become one of many “Earth Protectors” who participate in public demonstrations and blockades. In September 2019, more than 7.6 million activists in 185 countries took part in the Global Youth Climate Strikes which included Earth Protectors from EDI (Stop Ecocide Press, 2019a). EDI recognizes there are continuous efforts to try to stop the climate movement, often by arresting public demonstrators. Supporters of EDI’s campaign can benefit under the Earth Protectors Trust Fund document that “has been used by some activists in criminal trials as primary evidence of their status as ‘Conscientious Protectors,’ underlining their human right to Freedom of Conscience and enabling them to bring evidence supporting their motivation for taking peaceful direct action” (Stop Ecocide Press, 2019b). According to Jojo Mehta, cofounder of the EDI, the alliance has “been working with small climate-vulnerable Pacific Island states who have the incentive and also the power to propose an amendment” (Stop Ecocide Press, 2019a). EDI aims their efforts on environmentally vulnerable states as a political strategy. A social movement must provide an advantage, an economic, political, or social motive, for a country and its people to take action. For the Pacific Island States specifically, their biocultural diversity, and therefore their livelihoods, cultures, traditions, and lives, are at risk of diminishing because of environmental damage, such as that caused by climate change.

Shirleen Chin

Shirleen Chin is the Head of Advocacy and Strategic Partnerships at Ecological Defence Integrity (EDI). Her role involves collaborating with stakeholders and partners to support an international ecocide law. Chin reaches out to schools, grassroots organizations, political forums and media to spread the Stop Ecocide: Change the Law campaign (Chin, 2020). Additionally, Shirleen Chin collaborated with Polly Higgins, Jojo Mehta, and people living on Vanuatu and other Pacific islands to further the movement for environmental justice. State Parties including Vanuatu, France, and Maldives have openly supported the inclusion of an international ecocide law on the Rome Statute (Stop Ecocide, 2019). In a video created by Island Reach (an organization we describe in the next subsection), Chin says “Existing laws do not go far enough to stop serious ecological and climatic harms. The level of damage and destruction that the people and the environment have suffered and will suffer, at the hands of dangerous industrial activities, warrants criminalisation at the international level” (Island Reach Foundation, 2020).

Island Reach

Janis Steele and Brooks McCutchen are our sponsors for this project and founded Island Reach in 2006. The Island Reach Foundation, works with partners in Vanuatu to build environmental resilience and the ability to adapt to the climate crisis. The organization “is a practical and engaged response to challenges communities face as a result of climate change and the intensifying loss of biological and cultural diversity” (Island Reach, 2020). Island Reach accomplishes this mission by facilitating discussions, raising awareness of environmental issues, and documenting stories. Island Reach also recognizes the value of indigenous and local knowledge systems, including traditional practices. Island Reach believes a pathway in mitigating climate change is by promoting and preserving biocultural diversity (Island Reach, 2020). Therefore, smaller island countries, including Vanuatu, may see an international ecocide law as legal pressure to protect their ecosystems and biocultural diversity.

2.4 Opposition to an International Ecocide Law

Support for an international ecocide law is not universal. Many industries that contribute to polluting the environment believe that the addition of an international ecocide law would threaten the existence of their business. Primary concerns of an international ecocide law include, “economic concerns, necessity to retain current systems, and public demand for job security” (Higgins, 2012). In this section, we discuss various cases of mass environmental damage within the fossil fuel industry.

The fossil fuel industry is a well-known perpetrator of polluting the environment and contributing to the climate crisis. In fact, it was revealed that just 20 oil companies are behind 35% of all energy-related carbon dioxide and methane worldwide since 1965 (Taylor & Watts, 2019). Among these 20 are recognizable names, such as Chevron, ExxonMobil, British Petroleum (BP), and Shell. Together, these four companies “generated \$1.99 trillion in profits in the past three decades” (Figure 7) (Ambrose & Taylor, 2020).

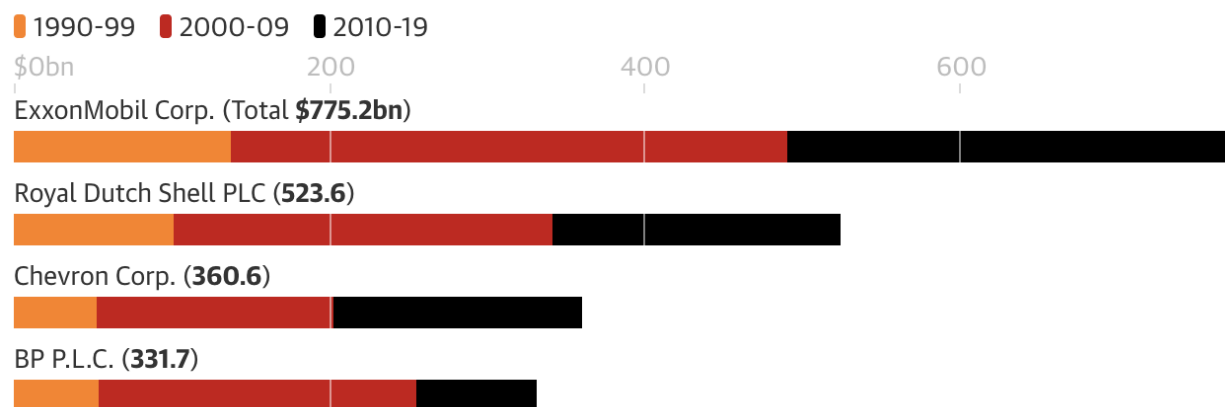


Figure 7. The world's four biggest oil and gas companies have generated \$1.99 trillion in profits in the past three decades (Ambrose & Taylor, 2020).

Large oil companies such as these are contributing to mass ecological damage by disposing of toxic waste in bodies of water. For instance, on April 20, 2010, BP's Deepwater Horizon oil rig exploded (Figure 8), "killing 11 workers, injuring 17 others, and initiating one of the worst environmental disasters in American history" (Adams, 2015). By the time the spill ceased on July 15, 2010, "an estimated 171 million gallons of oil had leaked into the highly productive and biodiverse Gulf of Mexico. Furthermore, 1.8 million gallons of toxic chemical dispersants were used in response efforts" (Adams, 2015). To this day, the effects of this tragic oil spill have everlasting impacts on the environment (Ma, 2019).



Figure 8. Gulf of Mexico Oil Spill (Herbert, 2010).

To complicate matters, some oil companies, including Exxon and Shell, have been aware that their business caused climate change (Franta, 2018). As an example, executives at Shell, a British-Dutch oil company headquartered in The Hague, had a deep understanding about the "risks of global warming caused by fossil fuel emissions" dating back to the 1980s (Cushman, 2018; Worland, 2020). Among various lawsuits, most notably, in 2019, "Seven environmental and human rights organizations in the Netherlands have filed suit against Royal Dutch Shell for failing to align its business model with the goals of the Paris Climate Agreement" (Savage, 2019).

2.5 Amazon Deforestation: A Case Study of Ecocide

Here, we examine the deforestation of the Amazon Rainforest in depth. It is important to understand how widespread deforestation is an international issue, mainly because the impacts of environmental destruction on forests leads to consequences with worldwide impacts. Therefore, the destruction of the Amazon Rainforest is central to understanding the definition of ecocide. The Amazon case is a contemporary example of environmental destruction at a scale an international ecocide law would address.

Amazon Deforestation

The Amazon rainforest is located in South America, and 60% of the forest is situated in Brazil (Encyclopaedia Britannica, 2019). An estimated 20 million-30 million inhabit the Amazon and depend on its natural resources for survival (Vittert, 2019). The rainforest is also home to thousands of plants and animal species, some of which are at risk of extinction (Vittert, 2019). However, the current widespread and systematic deforestation of the Amazon (Figure 9) has led to massive biocultural diversity loss. In fact, ecosystems, forest peoples, and 50% of the world's biodiversity is at risk because of worldwide deforestation (Volckhausen, 2020). The Amazon deforestation is just one example of ecocide.

**AMAZON IS THE LARGEST
DEFORESTATION FRONT.
MORE THAN A QUARTER
OF THE BIOME WILL
BE WITHOUT FORESTS IF
CURRENT TREND CONTINUES.**



Figure 9. Amazon deforestation (WWF, 2020a).

Forests are responsible for more than 80% of the world's terrestrial biodiversity (IUCN, 2018). When forests are lost, this may lead to the extinction of numerous species and weaken the ability of forest ecosystems to provide quality air, water, soil, and climate regulation (IUCN, 2018). Since the 1960s, over half of global tropical forests have been wiped out due to deforestation and degradation (IUCN, 2018). Deforestation is mainly caused by agriculture, while forest degradation is caused by illegal logging. A rate loss of "18.7 million acres of forests" occurs annually, which is "equivalent to 27 soccer fields every minute" (WWF, 2020b). Areas specifically in the Amazon rainforest are being diminished due to cattle ranches, logging industries, and palm oil operations (Vittert, 2019). On that note, destruction of forests ecosystems has drastic and negative impacts. Forests are "major players in the carbon and water cycles that make life possible. When forests are lost or degraded, their destruction sets off a series of changes that affect life both locally and around the world" (WWF, 2020b).

For instance, forests help in mitigating climate change because they absorb carbon dioxide from the atmosphere and also act as reservoirs. Forests store carbon dioxide that "would otherwise be free in the atmosphere and contribute to ongoing changes in climate patterns" (WWF, 2020b). In fact, forests around the world capture 2.4 billion tons of carbon dioxide annually, which is equivalent to one-third of the carbon dioxide produced from burning fossil fuels every year (IUCN, 2018). The Amazon rainforest alone stores over 180 billion tons of carbon alone. However, that carbon is released when trees are cleared away or burned (Vittert, 2019). Deforestation and forest degradation account for about 15% of greenhouse gas emissions, and "contribute to rising temperatures, changes in patterns of weather and water, and an increased frequency of extreme weather events" (WWF, 2020b). When examining a case of ecocide, it is also important to consider long-term effects. Deforestation of the Amazon leads to carbon emissions, which in turn causes climate change.

Moreover, millions of forest acres are destroyed by logging and agriculture operations combined, and the same volume is destroyed or degraded by fires. Fire is used to clear land for other uses including planting crops or acquiring land holdings. However, "fires not only alter the structure and composition of forests," but they can "threaten biological diversity, alter water cycles and soil fertility, and destroy the livelihoods of the people who live in and around the forests" (WWF, 2020b).



Figure 10. Amazon forest fire (Dwyer, 2019).

French President Emmanuel Macron offered \$22 million to assist with relief from wildfires within the Amazon (Figure 10). However, Jair Bolsonaro rejected Macron's offer and even demanded an apology (Dwyer, 2019). Bolsonaro said that Macron's intervention in the Amazon affairs insulted him and undermined Brazil's sovereignty (Chappell, 2019). At the G-7 summit, Macron called "for action to protect the Amazon and said the fires are a world environmental crisis that Bolsonaro has allowed to worsen. He also said that Bolsonaro, a climate change skeptic, had lied about his effort to combat deforestation" (Chappell, 2019). Furthermore, Cristiane Mazzetti, a member of an environmental organization known as Greenpeace, said "President Bolsonaro's anti-environmental agenda favours those who practice environmental crimes, and encourages violence against forest people... His administration is trashing practically all the work that has been done in recent decades to protect the environment and end deforestation" (Dwyer, 2019). For our research, we must understand the perspective of those in power to assess which world leaders would be more willing to support an ecocide law.

Although deforestation and forest degradation affect the livelihoods of 1.6 billion people who depend on forests for shelter, water, and food security, Amazon deforestation is still in progress (IUCN, 2018). Jair Bolsonaro, president of Brazil, said preserving the Amazon forest is an obstruction to economic growth and stated "where there is indigenous land, there is wealth underneath it" (Vittert, 2019). It is important to note that around "750 million people (approximately one-fifth of total rural population) live in forests. This includes 60 million indigenous people" (WWF, 2020b). For them especially, deforestation is an immediate issue that is disrupting their lives. For instance, "In the Greater Mekong in Southeast Asia, where land tenure systems are weak, deforestation has contributed to social conflict and migration. In Brazil,

poor people have been lured from their villages to remote soy plantations where they may be abused and forced, at gunpoint, to work under inhumane conditions” (WWF, 2020b). An international ecocide law would offer legal pressure and support, even if national leaders and domestic laws are not addressing the issue. The deforestation of the Amazon is an example of ecocide, since it has contributed to widespread environmental and cultural destruction. Therefore, we must understand the impacts of environmental destruction on cultural communities within New Zealand.

2.6 Māori Peoples in Aotearoa New Zealand

The Māori peoples first arrived in New Zealand during the late thirteenth century, followed by the arrival of Europeans in 1642 (Wilson, 2005). The 2018 New Zealand Census reports 16.5% of New Zealand’s population currently identify as Māori (New Zealand Government, 2019). Citizens who are of Māori descent can choose whether they want to count their vote towards the Māori electoral roll or the general public electoral roll. This option provides the Māori population with an opportunity to vote specifically for someone of Māori descent to represent their culture (New Zealand Electoral Commission, 2020). In fact, the current mixed-member proportional election sets aside seven Māori seats (New Zealand Parliament, 2020b). Therefore, the Māori are a particularly important stakeholder because of their unique historical and contemporary ties to New Zealand.

However, there is a history of tension between Māori peoples and Pākehā⁶ (non-Māori people) and ongoing grievances over the Treaty of Waitangi. To illustrate, the Native Schools Act of 1867 declared that all school institutions use only the English language to conduct lessons (Libraries and Learning Services, 2017). By the early twentieth century, school children who used te reo⁷ (the Māori language) were beaten by teachers (Mathieson, 2020). By 1980, Māori individuals who were fluent in te reo had declined from 95% to 20%. Since then, legal action has been taken to assure the future of te reo. For instance, the Māori Language Act (1987) declares Māori as one of the three official languages of New Zealand along with English and New Zealand sign language (Ministry for Culture and Heritage, 2017a).

Another example that demonstrates Māori and Pākehā relations is the Treaty of Waitangi, which was signed in 1840 by over 500 Māori chiefs and representatives of the British Crown (Ministry for Culture and Heritage, 2017b). The Treaty is made up of three articles. In the English version:

1. *“Māori cede the sovereignty of New Zealand to Britain*
2. *Māori give the Crown an exclusive right to buy lands they wish to sell, and, in return, are guaranteed full rights of ownership of their lands, forests, fisheries and other possessions*

⁶ Non-Māori people

⁷ Māori language

3. *Māori are given the rights and privileges of British subjects*” (Ministry for Culture and Heritage, 2017b).

Although, it is important to note “Māori understanding was at odds with the understanding of those negotiating the Treaty for the Crown, and as Māori society valued the spoken word, explanations given at the time were probably as important as the wording of the document” (Ministry for Culture and Heritage, 2017b). The Treaty in Māori and the Treaty in English have significant differences:

1. *“Article One: in Māori it gave Queen Victoria governance over the land, while in English it gave her sovereignty over the land, which is a stronger term*
2. *Article Two: the Māori version guaranteed chiefs ‘te tino rangatiratanga’ – chieftainship over their lands, villages and treasured things. It also gave the Crown a right to deal with Māori in buying land. The English version gave chiefs ‘exclusive and undisturbed possession’ of lands, forests, fisheries and other property. It also gave the Crown an exclusive right to deal with Māori over buying land*
3. *Article Three: both versions gave Māori the queen’s protection and the rights of British subjects*” (Orange, 2012).

The Treaty, a “historical relic for many New Zealanders, now became the basis of debate over New Zealand’s past as well as its future” (Ministry for Culture and Heritage, 2017c). Waitangi Day, a national day to commemorate the signing of the Treaty, is also a day of reflection for some (Ministry for Culture and Heritage, 2014). According to Mike Smith, lead chair of Climate Change Iwi Leaders Group, Waitangi Day “is a day to commemorate, to remember, to celebrate the positive aspects of the Treaty and I guess to reflect on how it all went wrong, and to remind ourselves that we need to get these relationships right if we’re to have justice in our society” (Maxwell & Fallon, 2020). Additionally, Smith says Te Tiriti o Waitangi (Treaty of Waitangi) was “the founding instrument for the establishment of a visioned pluralist nation” (M. Smith, personal communication, February 2020). However, Smith says “As the nation’s systems of administrative and governance developed, Te Tiriti o Waitangi was not incorporated into law and therefore was unenforceable” (M. Smith, personal communication, February 2020). Smith noted “Māori have limited ways of enforcing customary rights that precede the Treaty and the advent of the New Zealand state” (M. Smith, personal communication, February 2020). Therefore, the National Iwi Leaders forum “is actively campaigning for a national constitution to enshrine Māori treaty rights” (M. Smith, personal communication, February 2020).

2.7 Summary

To be recognized as an international crime, an ecocide law requires the support of as many States Parties as possible. Once recognized, an international ecocide law could serve as a powerful legal tool for individuals to address their grievances at local, regional, or international levels. The ICC, for instance, will become a legal forum for victims worldwide (S. Chin, personal communication, February 2020). While opposition exists in favor of economic benefit, preserving current systems, and job security, many environmental advocates have paved the way for an ecocide movement. Based on our analysis of the Amazon deforestation case, we recognize the importance of understanding the perspectives and values of government leaders and the impact of environmental damage on cultures and communities. Therefore, the scope of our project is to gather environmental perspectives of key Māori leaders and philosophers, and the New Zealand government through legislation.

Chapter 3. Methodology

The purpose of our project is to assess the stance of key Māori leaders and philosophers, and the New Zealand government on environmental justice, and how this may align with the addition of an international ecocide law. To achieve this goal, we implemented the following objectives:

1. Explore perspectives from key Māori leaders and philosophers on ecological conservation and destruction
2. Assess the role of Māori environmental activism in national and global governments
3. Investigate two pieces of environmental legislation and their relevance to further global support for an ecocide law

The flowchart (Figure 11) depicts our project's goal, objectives, and methods, and each strategy is then discussed in further detail.



Figure 11. Graphical representation of goal, objectives, and methods.

To achieve our objectives, we use the same method more than once. Next, we describe what each of these methods entails:

Archival Research

Archival research involves studying primary documents, such as legal and historical records, for information. Our team conducted archival research at local libraries, online directories, and government registries. We looked at major legal and philosophical documents to build a comprehensive background on the Māori culture and the New Zealand government.

Semi-structured Interviews

According to *Researching the City*, semi-structured interviews work very well for short time frames and busy interviewees. The semi-structured format allows the interviewer to prepare a set of directed questions while simultaneously enabling the interviewee to be as concise or as detailed in their answers as they wish (Ward, 2014). Therefore, our strategy involved asking each interviewee questions pertaining to their background, experience, and relationship to nature. We interviewed Māori individuals to understand their environmental values. Additionally, we interviewed legal experts for their perspective on environmental legislation. With the consent of the interviewee, we audio-recorded the interview for the purpose of accurately transcribing significant quotes. Once we interviewed initial key informants, we used snowball sampling to obtain subsequent participants.

Participant Observation

We used participant observation to gain a holistic understanding of the Māori and New Zealand government stance on environmental conservation and destruction. For example, we participated in various Māori cultural activities and attended a select committee at Parliament.

3.1 Explore Māori Perspectives on Ecological Conservation and Destruction

To explore some Māori perspectives on ecological conservation and destruction, we used three methods: (1) archival research, (2) participant observation, and (3) semi-structured interviews with key informants. With these three methods, we determined how traditional Māori environmental views may align with the values of an ecocide movement.

We utilized the New Zealand Legal Information Institute online database and the British Ecological Society website for access to primary documents and reports pertaining to Māori history and culture. The documents we consulted were the New Zealand Settlements Act of 1863 and a research paper titled *Effects of Climatically Shifting Species Distributions on Biocultural Relationships*, which we discuss further in our results. We studied these documents to develop an understanding of traditional Māori beliefs regarding the environment. These documents provided insight on the fundamental values that underpin the relationship between the Māori community and nature. Furthermore, we looked at recent environmental reports written under the Ministry for the Environment to understand how climate change affects the Māori community.

Through participant observation, we experienced cultural activities, such as Waitangi Day and Māori culture classes, to gain a real-time sense of the Māori relationship with nature. Additionally, Māori culture classes were already integrated into our IQP curriculum by our advisors. At these activities, our team found knowledgeable participants who were willing to share their personal views on the environment and Māori philosophy. Participating in these activities was an opportunity to observe Māori culture and to obtain interviewees.

Our team consulted two key Māori informants, who are people of Māori descent and Māori culture experts. The purpose of these semi-structured interviews was to obtain an understanding of Māori mātauranga (knowledge), science, and culture. We talked to specialists involved in Māori science and Māori philosophy to apply their knowledge to existing literature. We interviewed professionals involved with the School of Māori Studies, Māori philosophy, and Māori language courses because they were easily accessible and experts in their field. Interview questions revolved around personal environmental beliefs, traditional Māori values regarding the environment, and support for an international ecocide law. See Appendix A for sample questions.

One key informant, Dr. Ocean Mercier (Figure 12), associates herself with the Ngāti Porou tribe. Dr. Mercier is Head of the School of Māori Studies at Victoria University of Wellington. In 2019, the Royal Society Te Apārangi awarded Dr. Mercier the Callaghan Medal for her work in engaging others in science and Māori mātauranga (MetOcean Solutions, 2019). Results of her interview are located in section 4.1.



Figure 12. Dr. Ocean Mercier in a lab (Scottie Productions, 2020).

Another key informant, snowballed from our interview from Dr. Mercier, was Dr. Carl Mika (Figure 13). Dr. Carl Mika is an associate professor for the University of Waikato who specializes in law, indigenous and Māori studies, and Western philosophy. In 2017, Dr. Mika won the Philosophy of Education Society of Australasia Book Award for his publication titled *Indigenous Education and the Metaphysics of Presence: A worlded philosophy* (University of

Waikato, 2020). He also associates with the Tuhourangi iwi and the Ngati Whanaunga iwi. Dr. Mika's interview results are located in Section 4.1.



Figure 13. Headshot of Carl Mika (The Editor's Collective, 2016).

Carl Mika worked in collaboration with global authors to publish a book with the purpose to “bridge the gaps in the intercultural dialogue on issues in the philosophy of nature and in ecopoetics” (University of Waikato, 2012).

Our first major challenge occurred during our fieldwork on Waitangi Day. A large proportion of Waitangi Day attendees were international visitors rather than of Māori descent. There was also difficulty in scheduling interviews with key informants due to their busy schedules.

3.2 Assess the Role of Māori Environmental Activism in the New Zealand Government

To understand the Māori influence on environmental justice in New Zealand and the International Criminal Court, we used two methods: 1) archival research and 2) semi-structured interviews. This allowed us to assess the relationship between Māori activism and environmental law making on a national and international scale.

We conducted semi-structured interviews with two Māori individuals for the purpose of understanding the influence of Māori beliefs on environmental justice. Therefore, criteria for participants included identifying as Māori and involvement in environmental activism. We obtained interviews with Māori legal representatives, such as Mike Smith and Millan Ruka, through the snowballing method. Example topics of interview questions include legal involvement, environmental activism, and support for an international ecocide law.

One key informant is Mike Smith (Figure 14), who is a Māori iwi (tribe) leader and climate activist. Mike Smith campaigned alongside Greenpeace NZ and is lead chair of the Climate Change Iwi Leaders Group (Festival for the Future, 2019).



Figure 14. Mike Smith (Johnsen, 2019a).

Our second key informant was Millan Ruka (Figure 15) who co-founded an organization called Environment River Patrol (ERP). Ruka and other ERP members survey waterways that feed in and out of “the Hikurangi swamp network and downstream into the Kaipara Harbour via the Wairua and Northern Wairoa rivers” (Laird, 2016). He then reports these findings to the Northland Regional Council with photographic evidence so the council is aware of the issue and addresses accordingly.



Figure 15. Millan Ruka at Porotī Springs (Pryor, 2017).

The Wellington City Council archives provided key legal and philosophical documents such as the Te Awa Tupua Bill, land treaties, and public laws passed for the conservation of nature. These documents allowed us to understand the Māori influence on legislation granting legal personhood to nature. We looked at two cases of legal personhood in New Zealand: Te Urewera Act of 2014 and Te Awa Tupua (Whanganui River Claims Settlement) Act of 2017. We analyzed how these cases served as legal precedence for holding individuals accountable for environmental destruction. As a second component, we assessed whether the enforcement of these laws coincided with Māori cultural ideals. Through these cases, we compared the views of ownership versus guardianship.

3.3 Investigate the Relevance of National Environmental Legislation for an Ecocide Law

We explored the connection between the New Zealand government and their support for the environment by investigating two pieces of environmental legislation. We used three methods to assess whether ecocide aligns with the views of the New Zealand government: (1) primary research, (2) semi-structured interviews, and (3) participant observation. Doing so

enabled us to interpret the relevance of each case in terms of furthering global support for an ecocide law.

To understand environmental legal precedence in New Zealand, we used archival research to find and investigate two pieces of environmental legislation. We primarily used the New Zealand Parliament website to search for relevant environmental bills⁸ and laws. Each piece of legislation has its own web page which includes a bill digest, the stage of legislation, and the Member of Parliament (MP) in charge of the bill's progress. The two cases we analyzed were the Climate Change Response (Zero Carbon) Amendment Act of 2019 and Climate Change Response (Emissions Trading Reform) Amendment Bill of 2019. We chose to dissect these particular cases because they demonstrate the interplay between New Zealand law and global climate action. Analyzing these cases will help us understand if there is enough environmental legal precedence for New Zealand to for New Zealand to potentially support an international ecocide law.

We conducted three semi-structured interviews with environmental legal experts, including environmental law professors from Victoria University and environmental lawyers based in Wellington to obtain their professional opinions on the two case studies we analyzed. The approach we took for obtaining our interviewees involved emailing environmental law professors that had a background in international law and climate change. Many of our interviewees were also obtained through the snowballing method; after each interview, we asked if they could provide us with any environmental legal contacts. Our questions pertained to environmental law and policy and the potential future of an ecocide law. These interview questions can be found in Appendix B.

Our first key informant was Tom Bennion (Figure 16), who is principal of Bennion Law and specializes in environmental, Treaty of Waitangi, Māori land and general property law (Bennion, 2015). Additionally, Bennion “was the founding editor of the Māori Law Review in 1993. He is a former Registrar of the Waitangi Tribunal, a lecturer in environmental law at Victoria University in Wellington, the author of several texts on Māori land law, and a regular columnist for ‘Te Karaka’ magazine” (Māori Law Review, 2020).

⁸ A proposed law



Figure 16. Tom Bennion (Conchie, 2014).

Our second key informant was Dr. Bjørn-Oliver Magsig (Figure 17), Senior Lecturer at Victoria University of Wellington. Magsig specializes in International Environmental Law and Climate Change Law and Policy. We chose to interview him due to his research interest in “explor[ing] pathways towards cooperative sovereignty and shared responsibility in a changing global order” (Magsig, 2020). His research involves determining whether current laws properly address global environmental issues, such as climate change.



Figure 17. Bjørn-Oliver Magsig (Victoria University of Wellington, 2020a).

Our third key informant was Alison Cole (Figure 18), a war crimes investigator and international lawyer who specializes in climate justice (Cole, 2019). Cole has had the unique experience of working at all the United Nations international criminal tribunals, which includes the Rwanda Tribunal, the Former Yugoslavia Tribunal, the Cambodia Tribunal, the Special Court for Sierra Leone, and the International Criminal Court (Amnesty International, 2019). Subsequently, Cole “worked in policy development at the Open Society Justice Initiative in New York where she developed human rights strategies with local and global partners” (Amnesty International, 2019). Currently, Cole is a Teaching Fellow at Victoria University of Wellington and is a Senior Lecturer at Hong Kong University (Cole, 2019; Victoria University of Wellington, 2020).



Figure 18. Alison Cole (Cole, 2019).

We used observation as a tool to immerse ourselves into the lawmaking discussion. On February 12, 2020, we attended a Parliamentary discussion on the Emissions Trading Reform Bill of 2019. This was an opportunity for us to watch the New Zealand legislative process happen first hand. This provided us with information on how legal representatives interact with one another, present their ideas, and react or debate those ideas.

The biggest limitation we faced was obtaining interviews with Members of Parliament (MPs). Our team spoke to environmental legal experts rather than MPs because the legal experts were more accessible and were not restricted by the views of a political party. Fortunately, environmental policies adopted by political parties were easily accessible online.

Chapter 4. Results and Analysis

This chapter presents our findings on environmental justice among two different stakeholder groups in New Zealand. Our findings are categorized by two positions of power pertaining to environmental change in New Zealand: cultural power as represented by the Māori and legislative power as represented by environmental legislation. For our third finding, we intertwine these power groups and the role of Māori influence on law-making. In this section, we analyze how each finding can determine a pathway for an ecocide movement.

4.1 Māori Perspectives on Ecological Conservation and Destruction

Our first key finding is that representatives within the Māori community may support an international ecocide law. While there may be different reasons, either to support or oppose, we found some possible reasons for why a Māori individual might support an ecocide movement: (1) an international ecocide law would not impose on traditional Māori beliefs, (2) an international ecocide law has the potential to protect Māori biocultural diversity, and (3) the climate crisis is severely impacting some Māori communities. This section highlights the relationship between some Māori individuals and nature, paying particular attention to traditional Māori philosophy and the impacts of the climate crisis on the Māori community. We included results from interviews with key informants, such as cultural and scientific professionals involved in Māori studies.

Traditional Māori Beliefs and an International Ecocide Law Are Complementary

Some members of the Māori community may support an international ecocide law, since traditional Māori beliefs regarding environmental conservation and destruction align with an ecocide movement. Māori cultural practices, such as kaitiakitanga (guardianship) and the notion of tapu (sacred), can be reinforced by an international ecocide law.

In an interview, Dr. Carl Mika said that kaitiakitanga is one of the overarching views of the Māori culture that “demonstrates that we have a particular relationship with the environment, and reflects a particular kind of humility” (C. Mika, personal communication, February 2020). Kaitiakitanga means guardianship and protection and is a way the Māori manage their environment. In order to do this, a kaitiaki (guardian) from a local tribe has the responsibility to care for the area, which may be a lake or forest, so there are resources available for future generations. (Renner, 2018). Some Māori individuals may find an international ecocide law helpful in adding legal pressure to prevent destruction of their natural resources. The traditional Māori relationship with nature can be further exemplified by the karakia, which means a recitation or ritual chant (Moorfield, 2020).

Karakia (recitation)

Ko Rangi
 Ko Papa
 Ka puta, ko Rongo
 Ko Tānemahuta
 Ko Tangaroa
 Ko Tūmatauenga
 Ko Haumiatiketike
 Ko Tāwhirimātea
 Tokona a Rangi ki runga
 Ko Papa ki raro
 Ka puta te ira tangata ki te whai ao ki te ao mārama
 E rongo whakairi ake ki runga kia tīna, tīna!
 Haumi e, hui e, tāiki e!

Figure 19. A Māori karakia (recitation) about the creation of the natural world, environment, and humans (Ministry for the Environment, 2019).

The karakia (recitation) speaks about Sky Father and Earth Mother, and talks about the creation of their children (Joan Costello, personal communication, February 2020). The karakia (Figure 19), talks about how te ao mārama (the world of enlightenment) begins due to the separation of the Ranginui (Sky Father) and Papatūānuku (Earth Mother). The process of pursuing enlightenment brought upon humans who were created from the land, “making both taiao (environment) and tangata (people) inextricably connected” (Ministry for the Environment, 2019). The karakia exemplifies the connection between nature and people, and a reciprocal relationship of care between the environment and humans is needed for wellbeing. The Ministry for the Environment writes:

“People draw sustenance from the natural environment in order to thrive, and the environment in turn must be taken care of by the people; the environment and people are both connected and co-dependent” (Ministry for the Environment, 2019).

Dr. Mika said, within Western environmental philosophy and Māori environmental philosophy, “the fundamental principles are very different, so fundamental practices also differ” (C. Mika, personal communication, February 2020). This is because Māori thought tends to bring entities together and view them as one, while western thought tries to break entities up so they are very clear and understandable (C. Mika, personal communication, February 2020). Dr. Mika says that kaitiakitanga is “sort of proposed as a big difference to the Western view, which is ownership. I think most Māori would agree it’s very difficult to say we own the land. It’s more in a sense that the land owns us” (C. Mika, personal communication, February 2020).


Regarding environmental legislation such as the Te Awa Tupua Act of 2017, which is described in more detail in Section 4.3, Dr. Mika says “Laws and other institutions are blinded by Western views and people might misread it as anthropocentrism” (C. Mika, personal communication, February 2020). This is because the law imposes human principles to a particular state of affairs. They might think that in order for things to be valuable they must have human value, but this is not true in Māori beliefs (C. Mika, personal communication, February 2020). In traditional Māori beliefs, a river doesn’t have to be equivalent to a human being, because being a river has its own power (C. Mika, personal communication, February 2020). Therefore, an international ecocide law will not impose on the traditional Māori worldview; they will complement each other. This is because the traditional Māori view of nature is not ownership but rather guardianship, and an international ecocide law does not designate ownership rights or establish human qualities onto an environmental feature. Overall, Dr. Mika said he thinks the Māori community might support an international ecocide law. However, traditional Māori views also take into account the individual’s state of mind at the time the crime was committed. Additionally, Dr. Mika said New Zealand would probably like an ecocide movement, but there might be political and economic implications.

Another important and notable example regarding traditional Māori beliefs is the notion of tapu. Dr. Mika said that traditionally, “you will find that the Māori are very careful with the environment on an everyday level” (C. Mika, personal communication, February 2020). Mika recalled that his friend’s grandmother said that it is not good to collect nature, and instead leave it where it is to avoid disturbance of the natural world (C. Mika, personal communication, February 2020). Dr. Mika says that tapu is a way of rendering certain things off limits until something heals or comes back to the state of balance (C. Mika, personal communication, February 2020). Similarly, one potential of an international ecocide law is to provide a legal blockade or restriction to prevent the destruction of vital ecosystems.

A poster, seen in the School of Māori Studies, depicts the differences between indigenous conservation philosophy and Western conservation philosophy (Figure 20). The poster was developed by the Local and Indigenous Knowledge Systems (LINKS), which is part of the United Nations Educational, Scientific and Cultural Organization (UNESCO). LINKS focuses on integrating “local and indigenous knowledge, practice and worldviews into sustainable development and resource management processes” (UNESCO, 2017). This poster also includes a mention of cultural practices that relate to sustainability.

Challenging the assumptions of western science



A tabu leaf indicator at Lamén Bay, north Epi, Vanuatu, signifies that an area is closed to fishing due to the death of a clan member. Across the Pacific, a wide range of cultural practices are instrumental in regulating renewable resource use and access.




Western conservation philosophies separate humans from nature. This leads to the notion that people must be excluded if environments are to be preserved. In indigenous worldviews, however, such a division is unacceptable, as ecosystems and social systems are intertwined. Landscapes are rendered meaningless when one excludes the human relationships and attachments that create them and that are in turn created by them.

Unlike science, indigenous thought does not oppose the rational and the spiritual, nor value one above the other. Instead, they flow together and intermingle. For this reason, efforts to extract indigenous knowledge from its moral and spiritual foundations often result in its misinterpretation and fragmentation.

Connecting land and sea, nature and culture: a man from Vanuatu performs the stylized sand drawing of a *natamana'ari* (slit drum). When played, the *natamana'ari* is said to cause fish on the nearby reef to flip about in the water, dancing to its beat.

For the Moken of the Andaman Sea of Thailand and Myanmar, boats are of both practical and symbolic significance. On the one hand, they serve as a floating home for the entire family for a good part of the year. But the boat is also envisaged as a living organism, each of its elements associated with a part of the human body.



LINKS
Local and Indigenous Knowledge Systems
www.unesco.org/links

Figure 20. Indigenous conservation philosophy (LINKS, 2008).

As seen on the poster, a tabu leaf was placed on Lamén Bay, north Epi, Vanuatu. This tabu leaf signals that fishing is not allowed in the area because of a clan member's death. Written on the poster, "Across the Pacific, a wide range of cultural practices are instrumental in

regulating renewable resource use and access” (LINKS, 2008). While the example refers to the Pacific peoples, the Māori also adopt a notion of tapu.

In an interview with Dr. Ocean Mercier, she also spoke about Māori beliefs and expands on what tapu means traditionally. Dr. Mercier says that a major difference between Māori culture and physical science is incorporating values. Mercier explained that Western science is focused on measurements and quantitative data, while Māori science uses more intuitive ways to measure things. These intuitive ways consist of feelings, values, and beliefs, such as a “sixth sense” (O. Mercier, personal communication, January 2020). She gives an example of “tapu,” which is a notion adopted by the Māori and means something that is holy, sacred, or forbidden (Victoria University of Wellington, 2016). Sometimes the Māori place tapus on certain areas, even banning human interactions such as fishing and hunting with the idea of sustainability in mind (O. Mercier, personal communication, January 2020). This approach differs from the Western approach of science, but is a view that aligns with an international ecocide law, which would provide legal pressure to prevent mass environmental destruction. Mercier says part of the Māori belief includes being mindful of the things we do today, and the effects it can have on future generations (O. Mercier, personal communication, January 2020). This indicates that many Māori are mindful of the impact and interplay of human actions on the environment. Similarly, an international ecocide law addresses the accountability of human activity that causes environmental destruction.

However, Mercier says she does not think New Zealand, as a whole, would support an ecocide law; and even those among the Māori community might be opposed to the law. Mercier recalls that many people⁹ think the Te Awa Tupua Act is “ridiculous” because establishing nature as a being with rights raises questions about who is held accountable when natural disasters harm people. Even though some of the Māori population might not support an ecocide law, Mercier says that the Māori would probably think about it and consider it, but might not welcome the idea with open arms (O. Mercier, personal communication, January 2020).

While an ecocide law does not directly protect the environment from harm, the law can make the widespread systematic attack of the environment an international crime. However, one limitation of our research is that we cannot generalize the opinion of an international ecocide law for the entire Māori community. Both Dr. Carl Mika and Dr. Ocean Mercier expressed that they cannot speak for the Māori population and also expressed concerns of what changes need to occur to implement a domestic ecocide law. In the next section, we investigate how an international ecocide law has the potential to protect biocultural diversity and the relevance of these traditional Māori values in today’s world.

Preserving Biocultural Diversity

Some Māori individuals are proactive in preserving their biocultural diversity and may see an international ecocide law as a legal enforcement of this view. It is important to note that

⁹ Māori and non-Māori

traditional Māori views are still relevant to how some Māori individuals live their lives, especially because these views are ever-changing and flexible. The Local and Indigenous Knowledge Systems created another education poster (Figure 21) explaining that “local and indigenous knowledge is frequently represented as a fixed body of ancient wisdom,” but in reality “each generation reinterprets the knowledge of their forebears to confront the emerging challenges and opportunities of a changing world” (LINKS, 2008).

Continuity & change

the dynamism of 'traditional' knowledge

Local and indigenous knowledge is frequently represented as a fixed body of ancient wisdom that is passed down intact from generation to generation. Terms such as 'tradition' and 'heritage' evoke constancy, immutability and inflexibility. In reality, local knowledge has always been reassessed, renewed and expanded. Each generation reinterprets the knowledge of their forebears to confront the emerging challenges and opportunities of a changing world.

The adoption of modern technologies by indigenous peoples is often misinterpreted as the abandonment of their distinct values and ways of life. In reality, the capacity to incorporate new tools and skills has always been fundamental to the dynamism of indigenous cultures. Indeed, it is by blending new ways with old that many indigenous communities are able to uphold their unique lifestyles and worldviews.

Inuit in Arctic Canada are quick to adopt modern technologies to strengthen their hunting, fishing and trapping way of life. Motorised transport allowed them to regain access to distant hunting territories, abandoned when Inuit settled into permanent villages in the 1960s.



A fisherman throwing a nylon cast net in the sandy shallows in Vanuatu. Resource depletion is often falsely attributed to technological change. Entry into a market economy may be the more decisive factor, inciting individuals to forsake community values for individual profit.



A group of men from the Marovo Lagoon, Solomon Islands, prepare to return home after a day's fishing on the barrier reef. The canoe is a large dugout carved from a huge *giolohi* tree, and is powered by a community-owned outboard motor. Such motors, supporting subsistence fishing activities, are now ubiquitous in the Western Solomons.



LINKS
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Figure 21. The flexibility of Indigenous knowledge (LINKS, 2008).

For the rest of this subsection, we look at how some Māori descendants preserve and adapt traditional Māori views to the twenty-first century.

To illustrate, we discuss the Ihumātao land battle in Auckland. Ihumātao is Auckland’s oldest community, and the case is significant as it demonstrates how Māori peoples are fighting to preserve their historical lands. This Ihumātao case was a battle between Fletcher Residential Limited and the Save Our Unique Landscapes (SOUL) Campaign. Fletcher Residential Limited proposed a housing development of around 480 homes (SOUL, 2020). The location of this development is situated between Ihumātao and the Otuataua Stonefields Historic Reserve, which is now owned by Fletcher Residential Limited. Campaigners, such as those from the SOUL campaign, are opposed to the development because the land is historically and culturally important to the Te Wai-o-Hua iwi (Figure 22) (Rhei, 2015). SOUL members emphasize “it is important to understand that this land is a crucial part of one of the last remnants of the archaeologically rich stone fields landscape across Auckland and... it holds the stories of the earliest inhabitants of our country” (SOUL, 2020).



Figure 22. Campaigners set up to protest housing development in Ihumātao (Belgrave, 2019).

SOUL is led by many different “members whose families have resided in Ihumātao for many generations” (SOUL, 2020). Campaigners refused the construction of housing on the historical burial ground (Belgrave, 2019). There is also a traditional story pertaining to the land as many believe it to be the birthplace of Auckland. The land is “where Hape (Tamaki Makaurau’s founding ancestor) came ashore and settled after his voyage from Hawaiki” (Rhei, 2015). For many centuries the land was inhabited by early Māori gardeners who built garden walls and mounds, sweet potato pits, and building foundations. Furthermore, the Te Wai-o-Hua iwi have lived there for approximately one-thousand years (Rhei, 2015).

However, the Ihumātao land was first seized by the British Crown under the New Zealand Settlements Act (Otago Daily Times, 2019). The New Zealand Settlements Act of 1863 (Figure 23) “allowed for the confiscation of land – without compensation – from any North

Island tribe said to be in rebellion against Her Majesty's authority" (University of Melbourne, 2006).

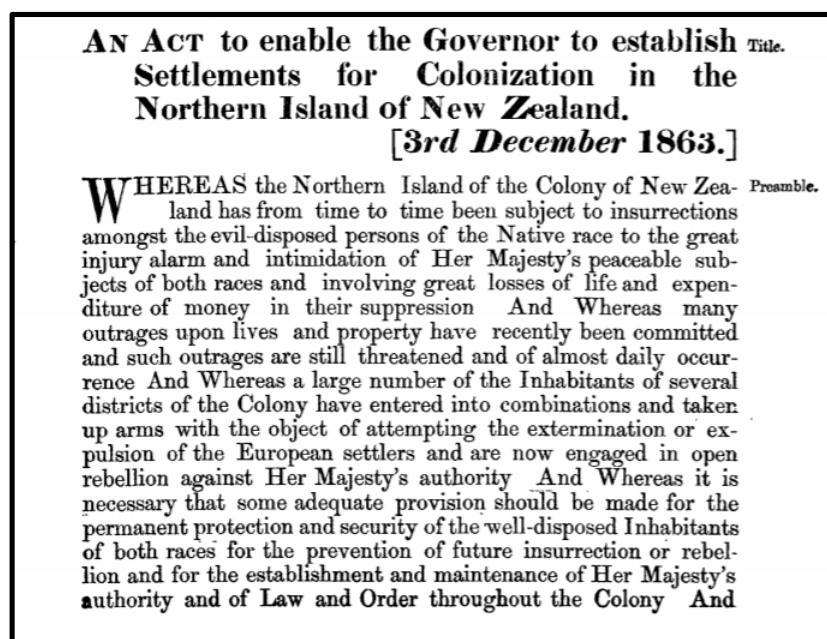


Figure 23. *The New Zealand Settlements Act of 1863 (NZLII, 2020).*

Under the provisions of the New Zealand Settlements Act, over 3.4 million acres of land was confiscated from several districts including Waikato, Taranaki, Tauranga, eastern Bay of Plenty, and Mohaka-Waikare (O'Malley, 2018). In spite of "repeated and unambiguous promises that Māori who didn't take up arms against the Crown would have their lands guaranteed to them in full, confiscation was applied indiscriminately" (O'Malley, 2018). In other words, Māori who fought on the side of the Crown still had their tribal lands taken from them. While a few Pākehā became rich and many of the seized lands became linchpins "of New Zealand's booming pastoral economy, ... generations of Māori were condemned to lives of landlessness and poverty" (O'Malley, 2018).

Eventually, the land was sold to Fletcher Residential Limited in 2016, a housing company that plans to use the land for the construction of 480 new houses (Otago Daily Times, 2019). However, the current Ihumātao village consists of approximately 70 houses. The development will mean "that the rural character of the area and Ihumātao community's identity will be lost" (Rhei, 2015). Soul campaigners believe that the construction in Ihumātao "will not contribute to making Taamaki a livable city, but destroy one of the few significant and unique historical, cultural, spiritual, social and environmental spaces we have left in Auckland" (SOUL, 2020)

This shows many Māori individuals have fought for their lands before because of their deep care and respect of traditional and cultural heritage. An international ecocide that addresses the crime of mass destruction of the environment supplements the preservation of Māori biocultural diversity. Now that we have explored how many Māori individuals are preserving

and adapting their traditional beliefs, we will look at an ongoing threat to some Māori communities: climate change.

The Climate Crisis Impact on Māori Communities

Regarding their traditions and culture, some Māori individuals may see an international ecocide law as a way of preserving their cultural practices in the midst of the climate crisis. For this subsection, we focus on the cultural impacts of climate change on some Māori communities and examine a climate change report created by the Climate Change Adaptation Technical Working Group (CCATWG). It is important to understand the climate crisis impacts on cultural communities, especially because mass environmental destruction can fuel climate change.

The Climate Change Adaptation Technical Working Group was formed in November 2016, “when the Government asked a group of technical experts across the public and private sectors to provide advice on how New Zealand could adapt to the effects of climate change” (Ministry for the Environment, 2020). Based on exposure levels and ability to adapt, the CCATWG identified the Māori population among the groups most vulnerable to climate change and who have already experienced these impacts. One of the reasons is that the Māori economy significantly depends on primary industries. CCATWG states the “agriculture, fisheries, forestry and tourism” sectors are heavily reliant on natural reserves that are exposed to climate-related impacts, such as “water availability and quality” (CCATWG, 2017). The impacts of climate change on these primary industries will also negatively impact the Māori community. Mike Smith, the Climate Change Iwi Leaders Group chair, says that climate change outcomes, such as ocean acidification and flooding, will harm fishing and farming resources on which the Māori population heavily depend (Stuff Limited, 2019).

However, some individuals within the Māori population do not only rely on the environment as an economic resource but additionally as a cultural and social resource. Therefore, climate change impacts on ecosystems have a wider influence for certain Māori individuals, such as loss of cultural heritage (CCATWG, 2017). For example, there are several Māori cultural heritage, marae, and harvesting sites situated in seaside low-lying areas. These sites are particularly vulnerable to the effects of the climate crisis, such as sea erosion and flooding (CCATWG, 2017). It is important to note that some Māori communities already experienced climate-related impacts, but these experiences differ across iwi due to local environmental features. As stated by the Climate Change Iwi Leaders Group:

“The climate is changing where Iwi in the South talk of the Titi (mutton birds) having today a 4 in 7 bad year where once it was 1 in 7 and they call for a much more holistic (kaitiakitanga) solution to climate change. Iwi in the East talk about their roadways being washed away and serious soil erosion. While an Iwi in the North talks about all 14 of their marae facing inundation from rising sea levels and flooding. Iwi in the West talk too about flooding while those Iwi in the Central North Island call on government to help with new afforestation. And meanwhile the science tells us that these issues are only

going to get worse. The ETS¹⁰ [Emissions Trading Scheme] is not working to reduce New Zealand emissions and indeed the opposite is happening where emissions are rising and New Zealand's forest stocks are being depleted" (Climate Change Iwi Leadership Group, 2016).

Additionally, as shown by a research study titled *Effects of Climatically Shifting Species Distributions on Biocultural Relationships*, predicted climate change impacts will have a further adverse result on certain traditional Māori practices. If nothing is done to prevent the current projection of the climate crisis, then growth of culturally important plant species, such as the Kuta (Figure 24) species, may change geographically and occur at unusual rates. Changes to plant availability will also result in changes to Māori traditions and the way of life for some individuals. In order to secure their traditions, culture, and way of life, some Māori may feel pressure to mobilize for an international ecocide law.

Kuta is treasured in upper regions of New Zealand's North Island, where weavers use Kuta to create highly prized mats and other crafts that are culturally important with their tribal areas (Bond, Anderson, Henare, & Wehi, 2019). Kuta is a native sedge that grows in New Zealand wetlands, and "weavers typically return to the same harvesting site each year, often the same site that has been used for generations" (Figure 25) (Bond, et al., 2019).

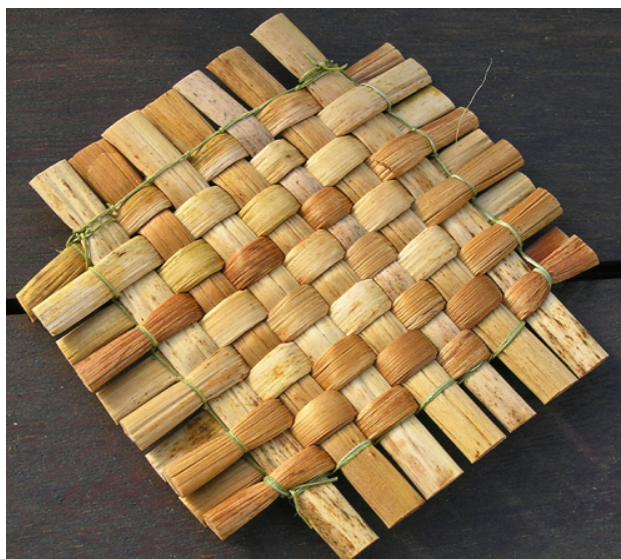


Figure 24. Kuta mat (Walls, 2020).

¹⁰ We dissect the Emissions Trading Reform Bill in the Section 4.3



Figure 25. Kuta farming (Harris, 2020).

Weavers say other plants can be used for weaving, but they notice the quality is not the same (Stumvoll, 2019). According to the study, climate change will cause suitable climates for Kuta to decrease in the North Island and increase in the southern region of the South Island (Bond, et al., 2019). The researchers of the paper state “decreasing suitability for Kuta in Northland is likely to inhibit local Kuta availability and continued use of harvest sites that have been treasured for generations, particularly Lake Ngātu¹¹” (Bond, et al., 2019). While Kuta plants are predicted to increase on the South Island, the valued populations on the North Island are threatened by climate change. For some traditional Kuta weavers, such as those on the North Island, there will be a shortage of the grass-like sedge. Furthermore, many of the traditional weavers who use Kuta live in the north (Stumvoll, 2019). Traditional Kuta gathering sites are significant for cultural identity, therefore the loss of suitable growing areas for Kuta due to climate change can result in the loss of biocultural diversity.

Within New Zealand, some Māori traditionally gather resources within their tribal and geographic areas as part of their cultural duty to sustain natural resources. The quality and accessibility of these resources is associated with “Māori cultural practices and spiritual wellbeing. High quality and abundant resources are a source of tribal prestige, and may be ceremonially gifted, sold or exchanged with people from other tribal regions” (Bond, et al., 2019). Therefore, the availability of plant “populations with esteemed phenotypes (such as Kuta) affects tribal prestige and social connections on a national level” (Bond, et al., 2019). Since indigenous environmental knowledge or use of natural resources is linked to the conservation of local ecosystems, depletion of biological diversity usually results in the loss of indigenous

¹¹ This is a tribe located in the North Island of New Zealand

practices (Bond, et al., 2019). To protect certain traditional Māori practices, such as Kuta weaving and gift giving, some Māori may need a law that addresses widespread environmental damage and climate change. An international ecocide law has the potential to do just that. In Section 4.2, we discuss the personal experiences of Māori individuals regarding climate change effects and environmental destruction. These Māori environmental activists, Mike Smith and Millan Ruka, are taking action in furthering environmental conservation.

4.2 The Role of Māori Environmental Activism in National and Global Governments

Māori environmental activism has impacted governments both nationally and globally. This section delves into the Māori influence on legislation in New Zealand and internationally.

Māori Environmental Stewards

One of our key informants includes Mike Smith, who associates with the Ngā Puhī iwi and Ngāti Kuri iwi. In an interview, Smith stated “We are tied to our culture by whakapapa-genealogy and descent, which begins in the formation of the universe and follows the pathway of evolution through its primordial stages through to the creation of the cosmos, planets, life on earth (nature), human existence, to me. The adherence to the ‘laws of nature’ is central to our worldview” (M. Smith, personal communication, February 2020). Smith’s involvement in environmental activism also stems from the belief of kaitiakitanga, which to him is the “active protection of nature” and “is a core element of Māori culture” (M. Smith, personal communication, February 2020). Smith’s mission, which includes environmental conservation, aligns with the values of an ecocide movement.

Smith believes there has been no environmental justice for the Māori. He states “the New Zealand government has historically and contemporary facilitated the destruction of nature by way of legislation, policy and financial subsidies to extractive industries. Attempts to address the climate emergency by the government are muted by the influence of key economic interests and to a certain degree enabled by public apathy” (M. Smith, personal communication, February 2020). Mike Smith says that his community in particular “has been impacted by increasing extreme weather events over the past 15 years, including: record floods, storm surges, coastal erosion and record droughts” (M. Smith, personal communication, February 2020).

Furthermore, Smith believes directors of oil companies should be held accountable for genocide and climate crimes affecting the Māori population (Parahi, 2019). His view aligns with an international ecocide law since the law has the potential to hold powerful individuals accountable for mass environmental destruction.



Figure 26. Mike Smith stands in front of OMV headquarters (Mako, 2019).

Smith (Figure 26) is currently taking Rainer Seele, CEO of the oil company OMV, to the International Criminal Court. As chief executive, Seele is paid over 2 million euros each year and OMV is one of the last oil companies still operating in New Zealand (Harris & Satherley, 2019). However, Smith says that OMV “is one of just 100 that have caused more than 70 percent of the world’s climate emissions” (Harris & Satherley, 2019). Smith’s legal complaint¹² is that “OMV had contributed to the destruction of the land and livelihoods of indigenous peoples, including New Zealand Māori” (Johnsen, 2019b). Meanwhile, OMV New Zealand says “the claim is not credible, and it’s investing more than \$800 million to reduce carbon emissions” (Harris & Satherley, 2019). According to a recent news article, “OMV is currently looking for new gas and oil sources off the New Zealand coast” (Harris & Satherley, 2019).

Regarding accountability for environmental damage, Smith states, “Everyone must take a measure of responsibility and subsequently each sector of society should be audited for not only sustainability but transformation to meet rejuvenation objectives” (M. Smith, personal communication, February 2020). His belief falls in line with an international ecocide law, because an international ecocide law can provide legal pressure to holding individuals responsible. Additionally, sectors that benefit from environmental destruction from monetary gains will need to transform their industrial processes in order to avoid legal repercussions under an international ecocide law. As Mike Smith stated in the interview, he believes the Māori as a whole would support an international ecocide law, however he is doubtful that all of New Zealand would be ready to support the concept (M. Smith, personal communication, February 2020).

¹² This legal case is currently confidential, so there are no official statements

Our second key informant is Millan Ruka. Millan Ruka co-founded an organization called Environment River Patrol (ERP) in 2010. Ruka began this organization with the mission to raise awareness of river pollution and to prevent waterways from being unusable. One of the main causes of river pollution is the effluent and sediment from dairy and beef farms (Ruka, 2015). Therefore, habitats for tuna (eels) are especially in crisis due to the decline in water quality. Ruka feels as though he and other ERP members have become kaitiaki, or guardians, who protect “tuna (eels) and awa (rivers) all over our region of the Northland Regional Council (NRC) here in New Zealand” (Ruka, 2020). To raise awareness, Ruka and ERP members either walk, paddle, or motorboat along the rivers and streams to find the pollution sources that are affecting the waterways. ERP then reports these findings, along with photographic evidence, to the Northland Regional Council (Ruka, 2020). These mapped photos pinpoint the location of the findings, but ERP does not deal directly with the farmer or identify them. ERP believes “it is important that our hard-working farming community are respected within our reporting process” (Ruka, 2015).

In an interview, Ruka said he gave up his career as a construction manager to raise awareness of pollution caused by dairy farms. Millan Ruka said the Māori culture has influenced his views on nature because they view “water as being the soul of our bodies and it gives life to everything” (M. Ruka, personal communication, February 2020). Ruka also said that before colonial settlement, the Māori names given to every river, creek, and little stream were based on a significant event that shows “our attachment to whakapapa (our history). Māori have a strong affiliation with our waterways” (M. Ruka, personal communication, February 2020). However, the water is badly polluted, especially with nitrates that are derived typically from cows and dairy farms (Figure 27). Ruka says, “when you have intense dairy farming, the urine and excrement [from cows] permeates the ground and then finds its way naturally to the waterways. Nitrates were proven to have a high cancerous effect, but there’s also E. coli and sediment from farming. When you combine all of those elements, you’ve got poisonous waters” (M. Ruka, personal communication, February 2020).



Figure 27. Millan Ruka standing near a river sign warning of a health hazard (RNZ, 2014).

Ruka said, “During my lifetime, you could just go and swim in any swimming holes, but you wouldn’t go there now.” For instance, cattle have polluted the Hatea River, which is just above the Whangarei Falls. The Whangarei Falls is a popular swimming hole for tourists and local children (RNZ, 2014). Although there is official signage that warns people not to swim in the polluted water, many young people still swim at the Falls. (RNZ, 2014).

Ruka believes there is a lack of monitoring and enforcement by the regional councils. Ruka says accountability for environmental damage to waterways “has to come from the whole community, but it has to start from the top [government authorities and laws]. When you break it down, it’s just farmers who are trying to earn a living” (M. Ruka, personal communication, February 2020). Adding ecocide to the list of crimes under the Rome Statute would be a step in this direction, which is to start with changes to legal systems and the addition of new laws.

He says the 1840 Treaty of Waitangi is a huge issue for the Māori, specifically because Māori “have been denied from our rights to clean water” (M. Ruka, personal communication, February 2020). The government declared that nobody owns the water, however they are selling it to overseas companies. Ruka says “if you can put the water into a bottle and sell it, well first you have to own it” (M. Ruka, personal communication, February 2020).

Therefore, Ruka notes, “Our first priority is to look after the water and the sustainability of it, and through natural aspiration, we want our economic benefits [from commercial uses of water]. The Māori are focused on sorting out this issue regarding our rights and interests, because Māori have virtually no commercial return from our water. I’m not sure where ecocide fits in that, because our focus is more on the Treaty of Waitangi, but [an international ecocide law] is a good thing” (M. Ruka, personal communication, February 2020). Additionally, Ruka said he would support an international ecocide law and it might be a useful legal tool, however his work involves environmental conservation on a smaller scale (M. Ruka, personal

communication, February 2020). While an ecocide law might not address environmental destruction on a smaller scale, the important thing to note is that Ruka's activism is based on values that are similar with the values of an ecocide movement.

Legal Personhood of Nature

In New Zealand alone, there have been three cases of granting personhood rights to environmental features: (1) Te Urewera, (2) Te Awa Tupua, (3) Mount Taranaki, all of which have been influenced by Māori cultural values. In this section, we will focus on Te Awa Tupua (Figure 28). The Te Awa Tupua (Whanganui River Claims Settlement) Act of 2017 enacted personhood on the Whanganui River, providing the river the same rights and responsibilities of a legal person (New Zealand Parliament, 2017). The official purpose of this Act is to

“give effect to the Whanganui River Deed of Settlement signed on 5 August 2014, which settles the historical claims of Whanganui Iwi as they relate to the Whanganui River by establishing Te Pā Auroa nā Te Awa Tupua as a legal framework and creating a legal personality for the Whanganui River” (McSoriley, 2016).

Legal persons are considered as “artificial creations of law [that] can be created by the judiciary, specific legislation, or by general legislation” (Exton, 2017). Legal personhood grants the Whanganui River the rights to sue and to be sued in court (Worstall, 2017). However, since the river itself is not a natural person, it must be represented by one. To ensure that individuals are abiding by this Act, the Māori delegated two guardians who represent the river in court, one from the Whanganui iwi and one from the crown (Roy, 2017).



Figure 28. Whanganui River (New Zealand Parliament, 2017).

The Te Awa Tupua Act of 2017 is important to the case of ecocide for a variety of reasons. First, the Act is relevant to ecocide because it demonstrates the influence of Māori culture on legislation. To the Māori, passing this Act to grant the Whanganui River the rights of a legal person “reflects Whanganui iwi’s unique ancestral relationship with the river.” (New Zealand Parliament, 2017). Legislation such as the Te Awa Tupua Act of 2017 provides Māori tribes with power over for protecting the environment, which, in turn, may signal a “greater protection for nature” throughout New Zealand (Lurgio, 2019)

Second, the Act demonstrates a chain of responsibility that can be used as a legal precedent. A legal precedent is defined as “a judgment or decision of a court that is cited in a subsequent dispute as an example or analogy to justify deciding a similar case or point of law in the same manner” (Encyclopaedia Britannica, 2018). Legal precedent is significant in New Zealand law making because it demonstrates consistency in jurisdiction. In the case of an international ecocide law, New Zealand would have to consider their nation’s environmental legal precedent. This is because if they decide to support an ecocide law, they must consider how they would implement it domestically. For instance, if an individual or organization pollutes the river, they are held accountable for the damages. Furthermore, “if someone abused or harmed [the river], the law now sees no differentiation between harming the tribe or harming the river because they are one and the same” (Roy, 2017).

Despite what may appear to be a positive outlook for the future of environmental protection, it is important to note that the local Māori tribe of Whanganui had been fighting for the Whanganui River to be recognized as a legal person for 140 years before the Act passed

(Roy, 2017). This fact is imperative because it showcases the struggles of the Māori community to convince the government.

4.3 Relevance of Two Pieces of Environmental Legislation to Ecocide

To understand how the New Zealand government might support an international ecocide law, we considered how Parliament passes laws and makes policies. After ratifying an international ecocide law, New Zealand would have to implement a domestic ecocide law. It is up to the government whether they would implement the law as is or customize it to domestic needs. Nevertheless, this means that a national ecocide law would have to be passed by Parliament through the legal process (Figure 29).

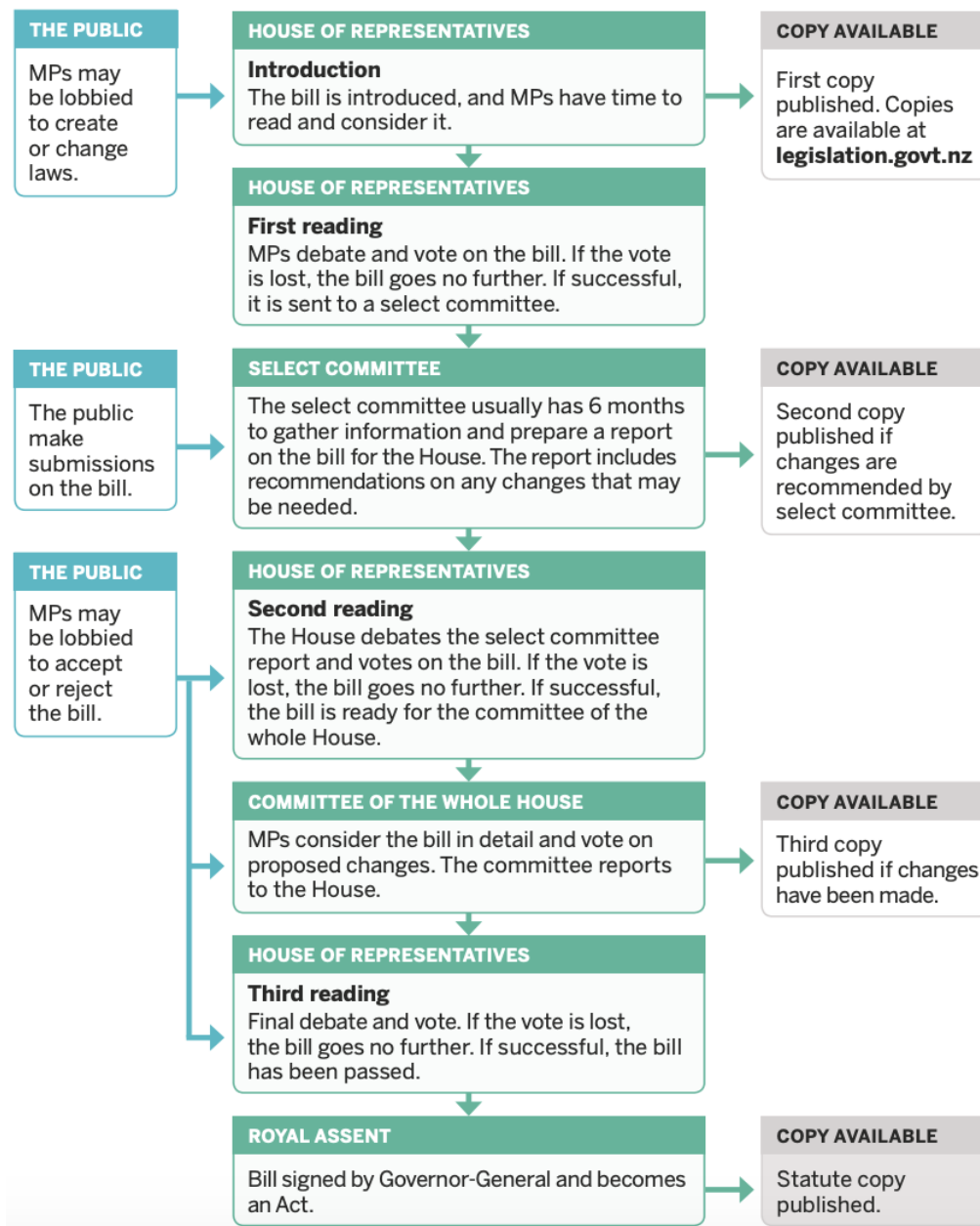


Figure 29. How a bill becomes a law (New Zealand Parliament, 2016).

Our team analyzed the outcomes of two major environmental legal cases in New Zealand: the Climate Change Response (Zero Carbon) Amendment Act of 2019 and the Climate Change Response (Emissions Trading Reform) Amendment Bill. We analyzed both cases to understand their relevance to the topic of ecocide and to showcase some possible pathways of responsibility. For each case, we observed which strategies worked in favor of or against a potential ecocide law in New Zealand.

Climate Change Response (Zero Carbon) Amendment Act of 2019

The Climate Change Response (Zero Carbon) Amendment Act of 2019 is known as the Zero Carbon Act. It is an amendment to the Climate Change Response Act of 2002. The purpose of the Zero Carbon Act is to

“provide a framework by which New Zealand can develop and implement clear and stable climate change policies that contribute to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5 degrees Celsius above pre-industrial levels” (Riddell-Garner, 2019).

The Act commits New Zealand to net-zero carbon emissions by 2050 and a 10% reduction in methane emissions by 2030 (Figure 30) (DairyNZ, 2020). In addition to serving as an amendment to the Climate Change Response Act, the Zero Carbon Act incorporates amendments relating to the Treaty of Waitangi. The amendments ensure the preservation of Māori culture by seeking members of the Commission who have experience and expertise relevant to the Treaty of Waitangi. Furthermore, these amendments address the economic, social, health, environmental, ecological, and cultural effects of climate change on iwi and Māori” (Riddell-Garner, 2019).

Climate Change Zero Carbon bill

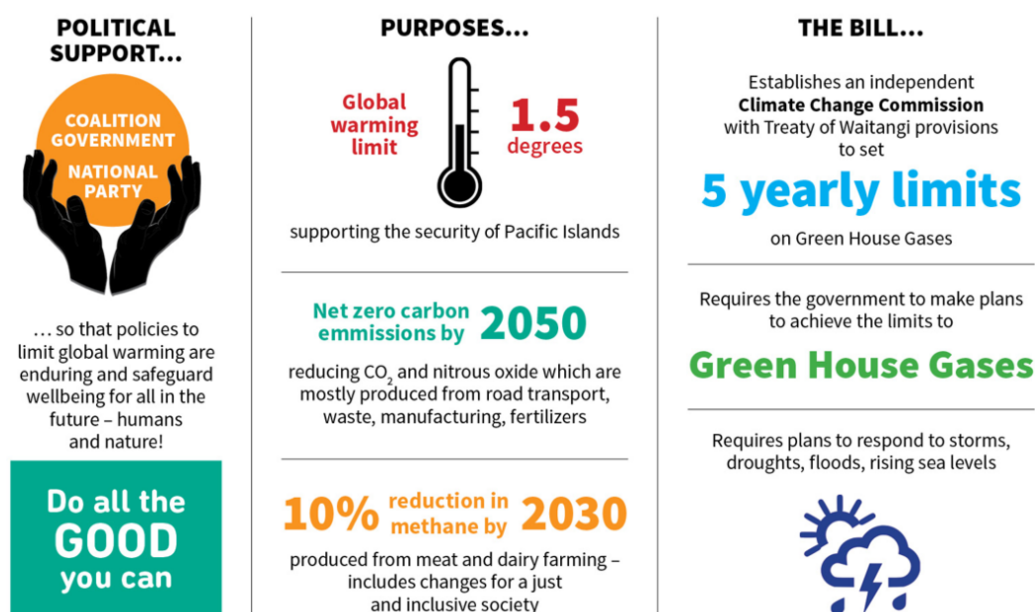


Figure 30. Overview of Zero Carbon Act (Climate Justice Network, 2019).

In November 2019, the Zero Carbon Bill passed with 119 out of 120 MPs voting in favor (The Spinoff, 2019). One MP, David Seymour, the leader of the Association of Consumers and Taxpayers New Zealand (ACT) Party, did not attend the Climate Change Response (Zero Carbon) Amendment Bill vote. The ACT Party is known for being a party with conservative

environmental views (Curtin & Miller, 2015). Since Seymour was not present in Parliament to oppose the Zero Carbon Bill, the bill passed with complete support (Cooke, 2019).

Passing the Zero Carbon Bill with a near unanimous vote demonstrated that the majority of the New Zealand government supports global climate action. During Jacinda Ardern's speech at the final reading of the Zero Carbon Bill, she stated, "I will not allow this country to be a fast follower because we damage our country, our environment and our exporters if we allow that to happen" (Young, 2019). This further demonstrates that New Zealand hopes to be a global leader for environmental change rather than a country that blindly adheres to standard practices.

However, it is also necessary to address concerns about the Zero Carbon Act. For instance, an article titled "ACT to oppose Zero Carbon Bill" was released by the ACT Party, in which Seymour confirmed that he does not support the Zero Carbon Bill. He argued that New Zealand only accounts for 0.17% of global emissions; thus, the country should not further reduce their emissions as it "will not prosper if we are forced to make significantly deeper emissions cuts than our trading partners" (ACT New Zealand, 2019). Additionally, Seymour debated that the New Zealand Prime Minister, Jacinda Ardern, "is more concerned about a global audience than good policymaking" (ACT New Zealand, 2019).

To address this perspective, we interviewed Bjørn-Oliver Magsig, an environmental law professor at Victoria University of Wellington. Magsig broke the statement down into two elements. Magsig explained that Seymour's first statement is misrepresentative as it focuses on per country emissions, rather than per capita¹³. He clarified, "Per capita, New Zealand is emitting a lot of CO₂. From that perspective, we do have to limit our emissions, full stop" (B. Magsig, personal communication, February 2020). The second part of Seymour's argument targeted Ardern's motive regarding national versus international policy. While Magsig agreed that there is some truth to Seymour's statement, Magsig also acknowledged that it is a common argument used by any opposition. Magsig indicated that communicating with your people back home about what you do at a global stage is complex as "You can't just focus on your national issues and forget about the world because we are interconnected-- we want to solve the climate problem" (B. Magsig, personal communication, February 2020). Similarly, when interviewed, Alison Cole expressed her disagreement with Seymour's statement by explaining that there "was such incredible cross-party support for the bill" (A. Cole, personal communication, February 2020). Therefore, his position "is a very marginal position" and may not accurately "represent what New Zealanders think and feel [about the Zero Carbon Act]" (A. Cole, personal communication, February 2020).

Climate Change Response (Emissions Trading Reform) Amendment Bill of 2019

The second case we examined was the Climate Change Response (Emissions Trading Reform) Amendment Bill of 2019, also known as the Emissions Trading Reform Bill. The Emissions Trading Reform Bill is the second of the two bills taken through Parliament to amend the Climate Change Response Act of 2002 and is being led by James Shaw of the Green Party.

¹³ For each person

(Shaw, 2019). As of February 2020, the Emissions Trading Reform Bill is currently in the Select Committee stage of the legislative progress (Figure 31).

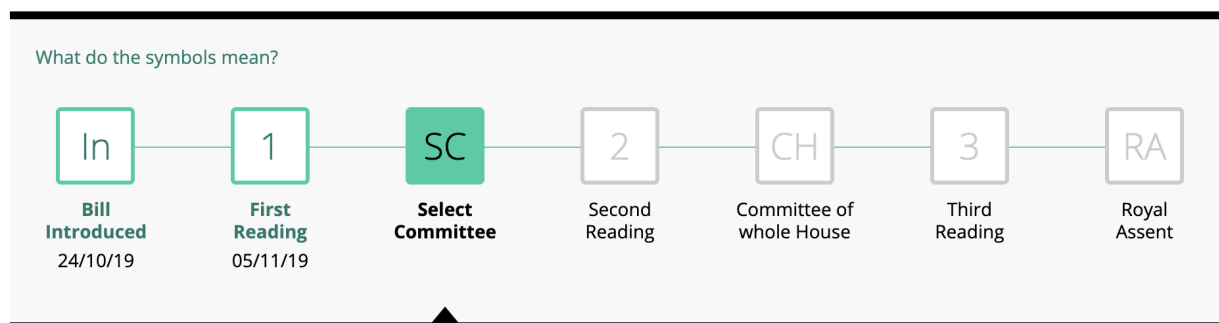


Figure 31. Progress of Emissions Trading Reform Bill (New Zealand Parliament, 2020a).

The purpose of this bill is to “improve certainty for businesses, make the New Zealand Emissions Trading Scheme more accessible, and improve its administration” (New Zealand Parliament, 2020a). The New Zealand Emissions Trading Scheme (ETS) (Figure 32) was launched in 2008 with the aim to reduce emissions and meet the international target for climate change (Ministry for the Environment, 2016). The ETS places a cost on greenhouse gas emissions, which, in turn, “encourages people and businesses to reduce greenhouse gas emissions and establish forests to remove greenhouse gases from the atmosphere” (Ministry for Primary Industries, 2020). In the ETS, the primary unit of trade is the New Zealand Unit (NZU), where one NZU is equivalent to one ton of carbon dioxide (Ministry for Primary Industries, 2020). Corporations that are part of the ETS must pay the government the equivalent amount of NZUs to the amount of greenhouse gases they emit. Conversely, if an entity removes greenhouse gases, such as those in forestry, they can earn NZUs from the government. Subsequently, these entities can sell the NZUs to companies that emit (Ministry for Primary Industries, 2020). Simply put,

“Businesses that are responsible for the greenhouse gases that cause climate change face a price for those emissions, and those that reduce emissions or plant trees to take carbon out of the atmosphere get a financial reward.” (Shaw, 2019).

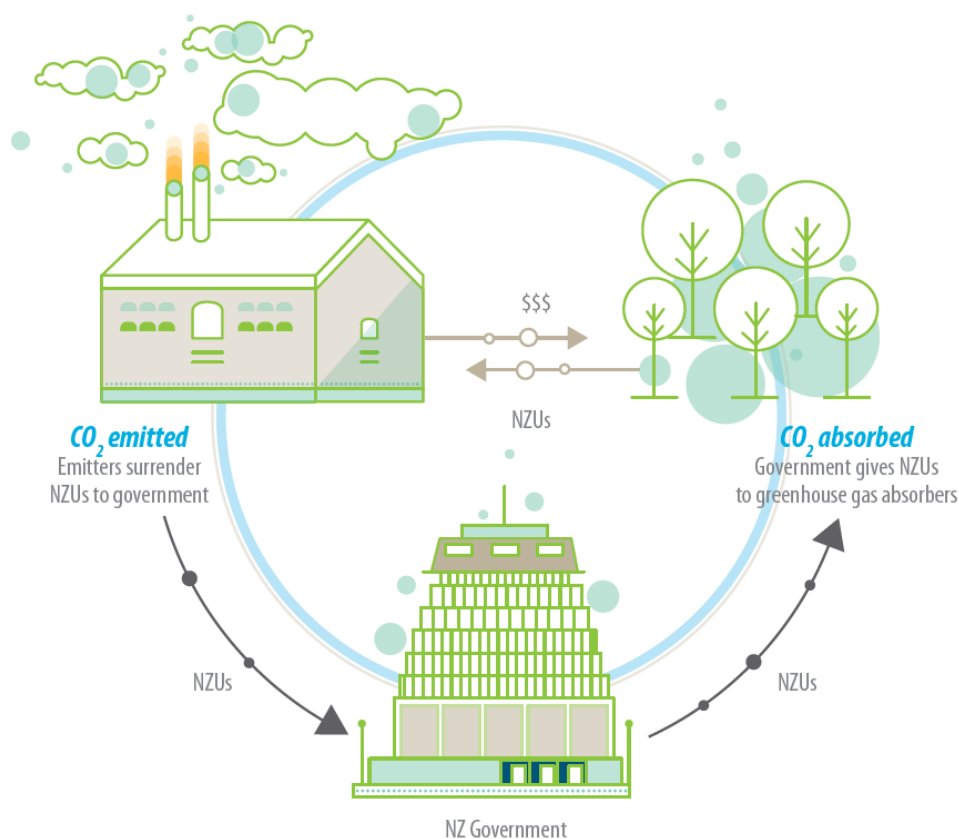


Figure 32. Diagram of New Zealand Emissions Trading Scheme (Environmental Protection Authority, 2020).

Many view the Emissions Trading Reform Bill as “the first step to putting the decisions in the Zero Carbon Bill into practice” (NZ Herald, 2020). However, the Bill received criticism for its perceived attack on farmers. In fact, three organizations, Federated Farmers, Beef + Lamb New Zealand, and Meat Industry Association, warned that the Emissions Trading Reform Bill “will have major unintended consequences for farmers and regional New Zealand” due to “the lack of any restriction on how much carbon dioxide can be offset using forestry carbon credits” (Federated Farmers, 2020). To further augment our understanding of the Bill and its concerns, our team attended the Environment Select Committee for the Emissions Trading Reform Bill. Catherine Leining, a representative of Motu Economic and Public Policy Research, expressed two main concerns her organization had with the Emissions Trading Reform Bill:

“What we’re basically identifying in these two areas is there are two [key points] that are not addressed in this bill. One of them is around the treatment of voluntary offsettings which is the use of cancelling units to help meet preferences outside of the compliance obligations of the system, and then also if the government of the day wished to manage the proportion of forestry removals, that [key point] is also not identified within the ETR bill” (Leining, 2020).

Given these concerns, it is evident that many organizations within New Zealand are not entirely supportive of the Emissions Trading Reform Bill as it is currently proposed. As the next step in reducing emissions, more businesses and organizations must get on board with implementation of the Bill for it to be successful.

The Impact of National Environmental Legislation on an International Scale

To understand the relevance of national environmental legislation for an international ecocide law, we discuss two main points: (1) the relationship between the two previously discussed cases and global interest and (2) the relationship between New Zealand and the ICC. By doing this, we can gauge whether New Zealand's interest in being a contributing global citizen is genuine or is to maintain a solid public image.

First, we will explore the relationship between New Zealand legislation and global interest. The Zero Carbon Act and the Emissions Trading Reform Bill suggest that New Zealand is supportive of contributing to the solution of climate change on an international level. In both cases, New Zealand commits to reduce the world's overall emissions. Both legal cases are amendments to the Climate Change Response Act of 2002, whose purpose has been updated to "support implementation of New Zealand's international climate commitments under the Paris Agreement" (Parliamentary Counsel Office, 2020). The Paris Agreement entered into the force on November 4, 2016 with the primary goal to:

"strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius" (United Nations, 2018).

As of February 2020, 197 countries have adopted the Paris Agreement, with 189 of those reinforcing their climate proposals with formal approval (Denchak, 2019). As one of the 197 signatories of the Paris Agreement, it is clear that New Zealand cares about being a global environmental leader. Furthermore, it illustrates how New Zealand might proceed with an international ecocide law, as the two share similarities.



Figure 33. Levels of Jurisdiction (Martinko, 2019).

However, the Paris Agreement and the Rome Statute are on different levels of jurisdiction (Figure 33). The Paris Agreement is a soft law, and therefore, no one is held accountable if a country does not reach the goal. When interviewing Tom Bennion, an environmental lawyer, he stated, “[New Zealand has] really nice laws, but enforcement is the issue” (T. Bennion, personal communication, February 2020). To further illustrate, the Zero Carbon Act has received criticism regarding lack of enforcement: “The problem with this zero carbon target is that it has no enforcement. Let’s say New Zealand doesn’t meet these targets, what happens? Well, nothing” (Norman, 2019). Enforcement is one way to demonstrate whether a country is serious about taking action. When asked about the issue of enforcement, Magsig explained,

“I think that’s the challenge of environmental law in general; it’s not a New Zealand problem per se. It’s always good to have high, ambitious goals, and Paris is one of those examples where everyone agreed we have to limit our emissions and keep the temperatures from rising further than 2 degrees, even 1.5; but, how do you get there? That’s in the second question. I think similar things are happening in the Zero Carbon Act at the moment. It sounds very ambitious and one of the world’s best if you don’t ask further questions, but how do you implement it? Implementation and enforcement are key, and if you don’t follow up, your shiny piece of legislation becomes worthless.” (B. Magsig, personal communication, February 2020).

As brought up by Magsig, although New Zealand expresses interest in contributing to global environmental efforts, the question remains whether the national government will enforce laws such as the Zero Carbon Act and the Emissions Trading Reform Bill.

Now, we explore the relationship between New Zealand and the ICC. At the international level, “New Zealand always wants to be seen as a good global citizen doing its bit” (B. Magsig, personal communication, February 2020). Therefore, global image serves as a reason why New Zealand might want to uphold a strong relationship with the ICC. Supporting the establishment of an international ecocide law is one way to maintain a strong relationship with the ICC. By supporting it, New Zealand would have the opportunity to “be a regional leader” and “fully support it even if [New Zealand doesn’t] gain directly from it, but indirectly because [they’re] seen as a good global citizen, doing something for the weaker, smaller, more desperate countries in [their] backyard (B. Magsig, personal communication, February 2020).

The second way to demonstrate support for the ICC is by ratifying international crimes. To understand the relationship between New Zealand and the ICC, we will examine the crime of aggression in New Zealand. This will help us gauge how far New Zealand would go to support an international crime and consequently, the ICC. The crime of aggression is listed as the fourth core international crime on the Rome Statute. Article 8(1) defines the crime of aggression as:

“the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which... constitutes a manifest violation of the Charter of the United Nations” (Rome Statute, 2020).

Similar to ecocide, the crime of aggression holds leaders, such as government officials, accountable and only applies to individuals rather than states (Coalition for the International Criminal Court, 2020). New Zealand was not part of the initial 35 countries who ratified the crime of aggression amendments, as they were unable to “without first putting new legislation in place” (Cooke, 2018). Without creating laws before signing on, it would be possible for individuals in power, such as Prime Minister Jacinda Ardern or Defence Minister Ron Mark, “to be tried in domestic courts or the Hague if New Zealand committed an armed act of aggression” (Cooke, 2018). Although New Zealand has legal precedence for many environmental laws revolving around the idea of accountability, it is interesting to note that New Zealand will not ratify the crime of aggression until they implement domestic legislation to ensure their leaders will be protected. This suggests that before supporting an international ecocide law, New Zealand would implement legislation to protect powerful individuals who otherwise may be responsible for committing a crime of ecocide. Additionally, the way in which New Zealand responded to the ratification of the crime of aggression reveals the extent to which New Zealand would support the ICC. Magsig analyzed,

“That’s one of the areas where you can see that States are very reluctant to change their set of rules if their own policies are affected. When it gets into those grey areas, like crime of aggression, it’s not that straightforward, than let’s say war crimes. They are more cautious” (B. Magsig, personal communication, February 2020).

To synthesize, this indicates that New Zealand might not initially support an international ecocide law if it affects their domestic laws and policies. However, once they create new domestic legislation to protect their interests or amend the laws they currently have in place, New Zealand might express interest in supporting an international ecocide law. While it is difficult to determine whether New Zealand would ultimately vote in favor of the addition of an international ecocide law, examining on-going and past cases, such as the Zero Carbon Act, the Emissions Trading Reform Bill, the Paris Agreement, and the crime of aggression, can give us insight on their future moves.

Chapter 5. Conclusions and Recommendations

New Zealand is uniquely positioned in the ecocide discussion, given its fragile island ecology, global environmental leadership, and membership to the International Criminal Court. Our team discovered three major intersections between an international ecocide law, the New Zealand government, and Māori peoples (Figure 34).



Figure 34. Intersections between Māori perspectives, New Zealand legislation, and an International Ecocide Law.

The first intersection between Māori peoples and an international ecocide law is that some Māori individuals share the same goal of preserving biocultural diversity. The second intersection between Māori peoples and the New Zealand government is that the Māori have cultural influence on domestic legislation. The third intersection between the New Zealand government and an international ecocide law is that they demonstrate that environmental issues require global collaboration. Overall, the three sectors share a common ground: furthering the movement for environmental conservation.

Our research explored legal and cultural viewpoints within New Zealand; however, an international ecocide law requires widespread collaboration among State Parties. There may be potential issues of building solidarity across all of the Pacific island groupings, including New Zealand. Thus, an external look at solidarity and relationships between countries is important.

Currently, Vanuatu, Maldives, and France have openly expressed an interest in an ecocide law. Below are our recommendations for future research and our sponsors:

Based on our findings, we recommend to Island Reach and Shirleen Chin:

1) [Climate crisis impacts for the entirety of Māori communities](#)

We explored how climate change impacts are affecting some Māori communities, but further and more intensive research on these effects can be done for more Māori communities within New Zealand. We suggest exploring specific Māori tribes and understanding how climate change has and will impact their cultural practices. This might involve recording personal stories from interviewees and deep immersion into a Māori tribe's culture and traditions.

2) [Range of Māori perspectives on an ecocide law](#)

From our research, we were able to begin to understand the fundamental and traditional beliefs underlying the Māori worldview. Based on our finding, we cannot generalize the opinions of our key informants for the entire Māori population. As with any area, there are several branch points of opinions. Therefore, our team recommends obtaining additional key Māori informants. Another suggestion is to start with investigating the viewpoints of a specific Māori tribe or organization. This will help build an understanding of various perspectives within the Māori community as it relates to ecocide.

3) [Investigate the extent to which laws are enforced](#)

If an international ecocide law is passed and New Zealand becomes a supporter, an issue of enforcement still needs to be addressed. New Zealand has environmental legal precedent and expresses global climate action. However, many people expressed their concerns of New Zealand's lack of environmental law enforcement. We recommend that future teams investigate whether this sentiment is true. By doing so, we will better understand whether New Zealand's global interest is genuine or for maintaining a good public image.

4) [Other Global Project sites](#)

Overall, we believe this project's mission can be extended to other Global Project sites, especially sites located in countries that are States Parties to the ICC. Currently, there are 123 States Parties that can submit a proposal to support the addition of an international ecocide law to the Rome Statute. In order for the ICC to establish an international ecocide law, at least two-thirds of States Parties must vote in favor of amending an ecocide law to the Rome Statute. Our research approach can be implemented by future project teams by focusing on stakeholder groups within the

country who represent different power groups. This will involve understanding the country's incentives or issues in adopting a domestic ecocide law. Other current project centers located in a State Party are: Albania, Argentina, Australia, Brazil, Costa Rica, Czech Republic, Denmark, Ecuador, France, Germany, Ghana, Greece, Iceland, Italy, Japan, Namibia, Panama, Paraguay, Romania, South Africa, Sweden, Switzerland, and the United Kingdom.

Island Reach may want to consider contacting:

- The Māori community
- Fiji Project researchers

Shirleen Chin may want to consider contacting:

- Ministry of Foreign Affairs
- New Zealand Bureau Association
- Climate Change Mitigation Network
- Generation Zero

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Appendices

Appendix A: Questions for Māori Key Informants

1. Has Māori culture influenced your personal view of nature? If so, how?
2. How do the Māori view the conservation of the environment? Are there any stories or phrases you can share with us?
3. How do the Māori view the destruction of the environment? Are there any stories or phrases you can share with us?
4. Are there any environmental concerns you are aware of that are affecting the Māori community?
5. Are there similarities between Western philosophy and Māori philosophy concerning environmental views? If so, what are they?
6. Are there differences between Western philosophy and Māori philosophy concerning environmental views? If so, what are they?
7. Do you believe there has been environmental justice (for the Māori)? Do you think the New Zealand government is doing enough to address environmental issues?
8. Do you believe there should be accountability for environmental damage? If so, who or what should be responsible?
9. Are you aware of the term ecocide? [The working definition of ecocide, given by Shirleen Chin, is: “the serious loss, damage, or destruction of ecosystem(s), including cultural or climate damage”]
10. Do you think New Zealand as a whole would support an ecocide law? Do you think the Māori community would support an ecocide law?

Appendix B: Questions for Legal Experts

1. Are you aware of the term ‘ecocide’? Do you believe New Zealand would support an international ecocide law?
2. Are there any issues you see in New Zealand implementing an international ecocide law?

For one component of our project, we analyzed three pieces of environmental legislation in New Zealand and their relevance to further global support for an ecocide law: (1) Zero Carbon Act of 2019, (2) Emissions Trading Reform Bill of 2019, and (2) Te Awa Tupua Act of 2017.

3. We dissected two environmental legal case studies: Zero Carbon Act and Te Awa Tupua Act. Can you think of any particular laws off-hand that might act as legal precedent for an ecocide law, other than these?
4. What are some issues New Zealand has faced in implementing either of these environmental Acts?
5. Additionally, many New Zealanders we spoke to expressed that they feel enforcement of these environmental laws is an issue. What is your take on this? How do you measure enforcement?
6. The Zero Carbon Bill passed with 119 out of 120 MPs voting in favor. David Seymour of the ACT Party did not even attend.
 - a. He argued that New Zealand only accounts for 0.17% of global emissions; thus, the country should not further reduce their emissions as it “will not prosper if we are forced to make significantly deeper emissions cuts than our trading partners”
 - i. What is the rebuttal to this perspective?
 - b. Additionally, Seymour debated that the New Zealand Prime Minister, Jacinda Ardern, “is more concerned about a global audience than good policymaking”
 - i. Do you feel like this statement is true?
7. Are there any major issues surrounding the Emissions Trading Reform Bill? We know that it is still going through the legislative process.
8. Te Awa Tupua Act of 2017 (Rivers with Rights)
 - a. We noticed this was not the first instance of New Zealand granting personhood rights to nature. Is this case more significant than the Te Urewera because it keeps coming up?

9. What's the relationship between the ICC and New Zealand?
 - a. For instance, small Pacific islands benefit from the ICC and would benefit from an international ecocide law , while the USA doesn't want to give up power to a foreign entity. What is New Zealand's situation?

10. Crime of aggression (one of the core international crimes in the ICC)
 - a. We read about how New Zealand was not one of the initial 35 countries to ratify the crime of aggression because they wanted to create domestic legislation to protect ministers from getting in trouble if they committed a crime of aggression. Do you think ecocide would follow this path?