



The Pathway for an Ecocide Movement in New Zealand

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A Pathway for an Ecocide Movement
In New Zealand

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Abstract

The goal of this project is to provide our sponsor, Island Reach, with initial research relating to the common themes between concerned citizens and the New Zealand government. This will help our sponsors create a strategy to urge New Zealand to become a supporter of an international crime of ecocide written under the Rome Statute. Ecocide as international law would allow states protected by the ICC to prosecute powerful individuals for mass ecological damage. Through these similarities, we can conclude that the media can be a powerful tool to influence and educate people about the term ecocide, the timing for the introduction of an ecocide law depends on the members in office, and a member of Parliament needs to act as an advocate for an international crime of ecocide.

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Executive Summary

The goal of this project is to provide our sponsor, Island Reach, with initial research relating to the common interests and strategies between concerned citizens and the New Zealand Government. With this information, our sponsors can create a strategy to urge New Zealand to become a supporter of an international crime of ecocide written under the Rome Statute. Ecocide is the term used to explain the mass destruction of ecosystems including cultural or climate damage. An international ecocide law would hold powerful individuals accountable for their contribution to the destruction of the environment. There is current exploration to add an international ecocide law into the International Criminal Court (ICC). The ICC gets its mandate from the Rome Statute, a multilateral treaty that 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. After an international law is proposed it must obtain two-thirds vote from the ICC state parties to then become adopted and ratified as an international law written under the Rome Statute

We used three objectives to achieve the goal above:

1. Examine previous actions the government took to address environmental concerns.
2. Understand concerned citizen's viewpoints on environmental destruction.
3. Identify the commonalities between the activists and the government.

For our first objective, we used three methods: (1) archival research, (2) key informant interviews, and (3) participant observation. We used archival research to find the Climate Change Response (Zero Carbon) Amendment Act of 2019. We also used the University of Victoria in the Wellington Law Library in order to have access to other legal documents and environmental law books. We used key informant interviews with professors of environmental law and a former Member of Parliament, Kennedy Graham, to better understand whether they think New Zealand would vote to ratify ecocide as an international law. We used participant observation for this objective when we attended the Select Committee Room in Parliament to observe the legislative process.

For our second objective, we used three methods: (1) ad hoc discussions with activists, (2) interviews with key informants, and (3) participant observation of concerned citizens. The ad hoc discussions were with activists at several events we attended such as, Fridays for Future, Austrian Mineral Oil Administration (OMV) protests, and volunteering in conversation groups. During these conversations, we used snowball sampling to obtain additional contacts for interviews. We used participant observation when attending various activism events to understand different interactions and viewpoints on environmental justice. We targeted our interviews towards concerned citizens and people involved in different activist groups such as Sea Shepherd New Zealand, Greenpeace New Zealand, and Extinction Rebellion New Zealand to better understand their personal story on environmental justice.

For our third objective, we used (1) archival research, (2) journaling, and (3) creating a visual to draw common interests. We used archival research to understand how the activists' messages have influenced governmental policies in the past. In addition, we investigated the 2017 case between Sarah Thomson and the Ministry for Climate Change Issues, which Thomson sued the Government for downplaying and setting inaccurate targets of greenhouse gas emissions in New Zealand. We journaled as a method to record our thoughts on these events and discussions that we attended. Not only did journaling allow us to reflect on our discussions, but it also encouraged us to capture our own shifting responses on the topic of ecocide. With our findings from objective one and objective two, we created a visual illustration of commonalities between the government and activist groups that took shape in the form of a Venn Diagram.

With our first objective, we had three main findings, (1) New Zealand is making efforts to enforce the Zero Carbon Act, (2) New Zealand wants to be a good global citizen, and (3) the ratification of the Crime of Aggression could be similar to the addition of an ecocide law. From the Climate Change Response (Zero Carbon) Amendment Act, we found that New Zealand wants to be a leader at home and internationally. In order to enforce this, they drafted the Climate Change Response (Emissions Trading Reform) Amendment Act to improve the emissions trading scheme in order to better reach their goal for the Zero Carbon Act. The emissions trading scheme is a strategy New Zealand uses to urge companies to reduce their carbon footprint. This process holds companies responsible for paying the government for the amount of carbon emissions they emit. We also found from our key informants that the Climate Change Response (Zero Carbon) Amendment Act is a good step for New Zealand but is only the

first step in a long process. Through these findings, we conclude that New Zealand wants to be a good global citizen in addressing climate change. We also studied the crime of aggression in New Zealand, a crime under the Rome statute, which New Zealand did not ratify domestically. This case showed that because New Zealand did not have domestic laws in place to address the crime of aggression, they did not want to pass it internationally. A former Member of Parliament, Kennedy Graham, had fought for the addition of the crime aggression within New Zealand and he believes that just by putting a topic on record, such as ecocide, it will become a debated conversation within Parliament. We found this relates to ecocide because the New Zealand Government is currently implementing domestic laws addressing environmental issues, which could be used as a framework to support an international crime of ecocide.

With our second objective, we are able to understand the concerned citizen's viewpoints on environmental destruction. Through informal discussions, we identified common environmental concerns such as pollution of rivers and lakes from dairy farming, excessive carbon emissions, illegal overfishing and the lack of government enforcement. When we used ecocide as a term within informal conversation, we found that many people were unaware of what this meant, and we had to explain it. However, when using a different approach, we found that people believed someone should be held accountable for the destruction of the environment, therefore supporting a crime against ecocide. We found that protestors and conservation groups were two forms of activism that worked toward a common goal of spreading awareness of the environment and actively making a change. We also saw the media as a way in which environmental issues can be addressed to the general public and create a strong influence.

By taking our findings from objectives (1) and (2), we could accomplish our third objective of identifying the commonalities between the activists and the government. We began by analyzing a legal case in which a university law student sued the Government for not properly addressing carbon emission targets. This was the first case in which the government was taken to the High Court by a member of the public in defense of the environment. This case was important because of the publicity it gained for exposing the governments flaws when addressing climate change issues. It was important to note that after the government was tried in court, they started making proactive choices centered around properly following their targets in addressing climate change. In addition to studying this case, we created a Venn Diagram to identify commonalities between the New Zealand Government and concerned citizens. We found that

both groups had similarities in the influence types of media created and timing within Parliament. In addition, we saw that both groups have advocates for new ideas even when going against their particular crowd.

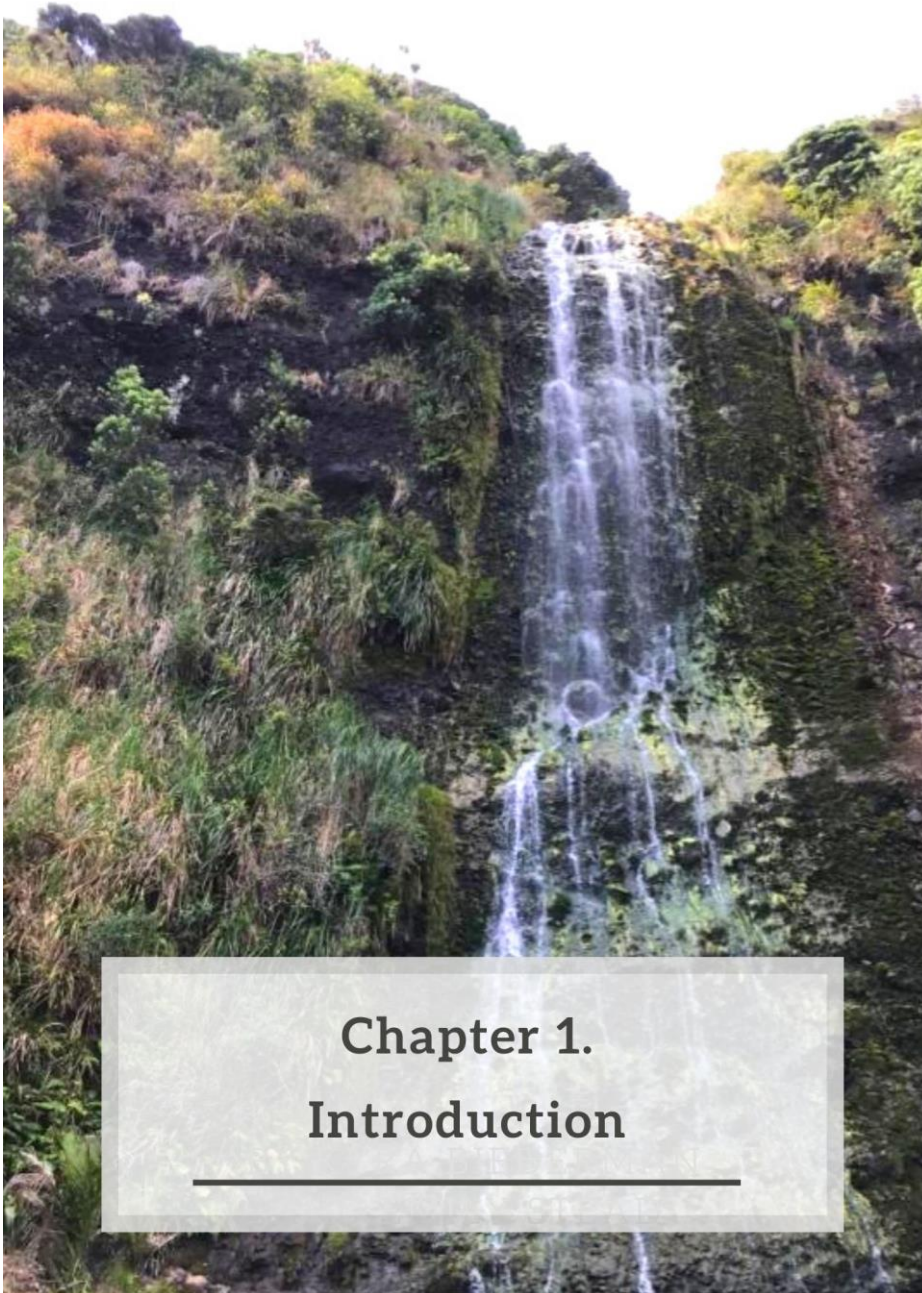
Our final conclusion is that in order to create a strategy to gain New Zealand's support for an international crime of ecocide, the use of the media before and after the most recent election in September 2020 will be beneficial in gaining support of this movement. Once there is a change in leadership, this opens up the discussion to new ideas and opportunities to address environmental issues. The media can be used to promote the Stop Ecocide campaign in hopes to gain more supporters and governmental traction in the Parliament house. Additionally, because New Zealand is known for being a global leader and at the forefront of addressing climate change, we believe they would be willing to open up to a discussion about an international crime of ecocide.

Our final recommendations are as follows:

1. We recommend studying the opposing viewpoints for an ecocide law, to understand the stakeholders that would have a negative impact if this law were passed. Because we looked at positive viewpoints, it would be helpful to understand the opposing sides stance, such as OMV, to create a strategy to gain their support of an ecocide law in the future.
2. We recommend spreading the term ecocide throughout social media platforms such as Twitter, Facebook, Instagram, Snapchat, and YouTube for the public to gain a better understanding of ecocide as a term. If more information is spread on defining the term ecocide, people will become better informed when deciding if they would support this law.
3. We recommend finding a representative within Parliament, beginning at the three-year turnover in September 2020, to voice an ecocide movement within the governmental discussion. This will allow the maximum amount of time and lots

of consideration when discussing ecocide as an international crime, especially coming from someone within Parliament.

4. We recommend reaching out to activist groups such as Extinction Rebellion New Zealand, Greenpeace New Zealand, and Sea Shepherd New Zealand to further gain supporters of an ecocide movement. We also recommend talking to Lynley Tulloch, a New Zealand writer living in Tonga to help address climate awareness, because she is particularly interested in hearing more about Island Reach's work in Vanuatu.
5. We recommend our project is carried out in other countries that are signed onto the ICC in order to understand the different viewpoints of an ecocide law around the world. Because there needs to be a $\frac{2}{3}$ vote for the ICC to ratify ecocide as an international law, there is a lot more work to be done around the world to gain support.



Chapter 1. Introduction

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New Zealand will be faced with more frequent and unusual extreme weather events, melting glaciers, and rising sea levels that will threaten the lives of humans and animals if no action is taken to stop climate change (WWF-NZ, 2020). Australian bushfires spread throughout the drylands of Australia for four months, resulting in the loss of nearly 27 million acres of vegetation by January 2020. Due to climate change induced drought and record high temperatures, this fire has killed more than a billion animals which will leave a lasting impact on Australia's ecosystem (BBC, 2020). Additionally, more frequent droughts can affect human lives and are expected to cause 529,000 famine-related deaths between the years 2030 and 2050 (Christensen, 2019). As climate change drives temperatures higher, an additional quarter-of-a-million people will suffer each year from frequently occurring floods, intense tornadoes, storm disasters, crop failures, and spread of disease (WHO, 2018).

The International Criminal Court (ICC) is an intergovernmental organization that investigates, prosecutes, and tries individuals who commit heinous crimes on the international community (International Criminal Court, 2019). Representatives of the ICC are currently defining an international crime of ecocide, which is defined as the serious loss, damage or destruction of ecosystem(s), including cultural or climate damage (Chin, personal communication, 2020). This law would hold powerful individuals, such as CEOs of fossil fuel companies, accountable for the destruction of the environment. To adopt an ecocide amendment to the Rome Statute, the multilateral treaty that establishes international crimes, the proposal requires two-thirds votes from the members of the ICC. While there are some early supporters, it is still unclear how many countries would support an international crime of ecocide.

Given its fragile island ecology and economic influence over smaller Pacific Islands, New Zealand is uniquely positioned in the ecocide discussion. New Zealand's environment is already facing a great loss of biodiversity due to the destructive nature of invasive species and colonial land practices, but an increase in climate change poses a new threat. Unusual rainfall patterns, an increase in sea level, and more frequent heat extremes have already been direct impacts of climate change NZ is facing today (Royal Society of New Zealand, 2018). Human activity is responsible for climate change, and those committing ecocide are only adding to these damaging effects. The crime of ecocide has already been exhibited in New Zealand. For example, Rainer Seele, the CEO of the Austrian oil company OMV plans to continue oil

exploration after New Zealand has banned new oil and gas exploration permits in 2018. This company's massive oil spills and greenhouse gas emissions contribute to climate change and should be considered a crime of ecocide.

The goal of this project is to provide our sponsors with initial research relating the common interests and strategies between concerned citizens and the New Zealand Government. This will help our sponsors create a strategy to urge New Zealand to become a supporter of an international crime of ecocide written under the Rome Statute. In order to meet this goal, we approached the problem through the following objectives: (1) Examine previous actions the government took to address environmental concerns (2) Understand concerned citizen's viewpoints on environmental destruction, and (3) Identify the commonalities between the activists and the government. We achieved this through interviews with key informants, informal discussions with concerned citizens, archival research, participant observation, creating a visual graphic and journaling. Our findings from objective (1) and (2) are used to accomplish objective (3). Through our findings and analysis, we then provide recommendations for our sponsors to help continue their research in creating a strategy to assess the feasibility of New Zealand supporting an international crime of ecocide.

Chapter 2. Literature Review



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Human activity has caused widespread environmental destruction that 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 mass destruction of the environment. While consequences of mass ecological damage have been documented, these actions have not been punished as international atrocity crimes. An ecocide crime would affect a wide variety of stakeholders such as activists, voters, and politicians by allowing them to take action and hold individuals accountable for the mass destruction of the environment. In this chapter, we describe further in depth what the ICC does and how this is related to the New Zealand Government with New Zealand's pre-existing environmental justice laws. We explain the ecocide movement to date and explore environmental organizations that could help spread the ecocide movement in New Zealand.

2.1 The ICC Legal Process and Drafting an Ecocide Law

There are two separate entities that address international criminal laws: 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 because it is where an international ecocide law would be drafted.

The primary role of the ICC is 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, 2017). The ICC gets its mandate from the Rome Statute, a multilateral treaty between the 123 countries and territories, known as state parties, signed onto the ICC. The Rome Statute 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 state parties have a duty to cooperate with the Court when it is required. Any state party of the ICC is allowed to propose an amendment to the Rome Statute, but an amendment must obtain two-thirds votes from the state parties in order to be adopted and ratified. Individuals from non-state parties, or those countries and territories not signed onto the ICC, will not get support from the ICC to address their case. However, individuals from a state party can initiate a

case against and prosecute an individual from a non-state party through the ICC. Figure 1 shows the process of how the ICC works, from initiating the case to enforcement of a sentence.

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: suspects appear voluntarily
3. Pre-Trial Stage	After hearing the Prosecution, the Defence, and the Legal representative of 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 1: ICC legal process

During the drafting of the Rome Statute, ecocide was originally proposed to be one of the international 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 pioneer of the ecocide movement, the late Polly Higgins, 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 dedicated her life to growing an ecocide movement. The sole question that motivated her fight for the recognition of ecocide was “how do we create a legal duty of care for the Earth?” (Higgins, 2019; Watts 2019). In 2010, Higgins wrote a proposal to reconsider the addition of ecocide to the Rome Statute as the 5th Crime against Peace. 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).

Higgins argued that it should be the legal duty of not only businesses but nations worldwide 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. In 2017 she founded an organization called Ecological Defense Integrity (EDI) to spread global awareness of an ecocide movement (Higgins, 2019).

2.2 New Zealand’s International Affairs

New Zealand signed onto the ICC on September 6th, 2000, when New Zealand implemented the International Crimes and International Criminal Court Act 2000. New Zealand is known for being a long-standing supporter of the ICC and is “committed to uphold and defend the principles of the Rome Statute” (New Zealand Foreign Affairs and Trade, 2019). New Zealand passed this act to “take further provision in New Zealand law for punishment,” and “enable New Zealand to co-operate” with the ICC (International Crimes and International Criminal Court Act 2000). The Prime Minister at the time, Helen Clark, believed that being a part of the ICC would help hold individuals responsible for their cruelty and bring justice to the world (Clark, 2012).

New Zealand is a party in the United Nations Framework Convention of Climate Change (UNFCCC) and recognizes that climate change is an urgent issue, which is written under the 1997 Kyoto Protocol (Ministry for the Environment, 2018-b). In 2016, New Zealand also signed onto the Paris Agreement, in order to reduce their greenhouse gas emissions (Ministry for Environment, 2018-b). The Paris Agreement “brings all nations into a common cause to understand ambitious efforts to combat climate change” and “requires all parties to put forward their best efforts through nationally determined contributions” (United Nations, 2015). New Zealand has written an addendum to the Intended Nationally Determined Contribution (INDC) to address their assumptions. The INDC is a public outline for post 2020 actions the countries plan to take under the international Paris Agreement (World Resources Institute, 2018). New Zealand's states their assumptions “about accounting for human-generated greenhouse gas emissions and removals from forestry and other land use underpinning the INDC” and will inform everyone the negotiation they made on the global climate change agreement (Ministry for the Environment, 2018-c).

2.3 New Zealand Government

New Zealand’s electoral system uses a Mixed Member Proportional (MMP) system to choose which individuals become representatives in Parliament. Under MMP, New Zealand citizens get two votes: one party vote and one electoral vote. A party vote allows each voter to choose a political party to represent them. The summation of party votes helps decide the total number of seats in Parliament each party receives. As for electoral votes, voters choose a candidate to represent their residential area. The candidate with the most electoral votes becomes a Member of Parliament (MP). To obtain a seat in Parliament, “political parties must get at least 5% of the party vote or win an electorate seat” (New Zealand Electoral Commission, 2020). The MMP system ensures that Parliament is an accurate representation of the people’s choice.

As of February 2020, there are 120 members of Parliament that represent 64 general electoral seats, seven Māori seats, and 49 seats selected from the party lists. Five political parties are represented in the New Zealand Parliament. These five parties are known as the ACT Party, Green Party, Labour Party, National Party, and New Zealand First Party (New Zealand Parliament, 2020-a).

To understand how the New Zealand government may vote in favor of an international ecocide law, we considered how Parliament passes laws and makes policies. In order for a bill to pass as a law, there are certain steps Parliament must take. This legal process is displayed in Figure 2.

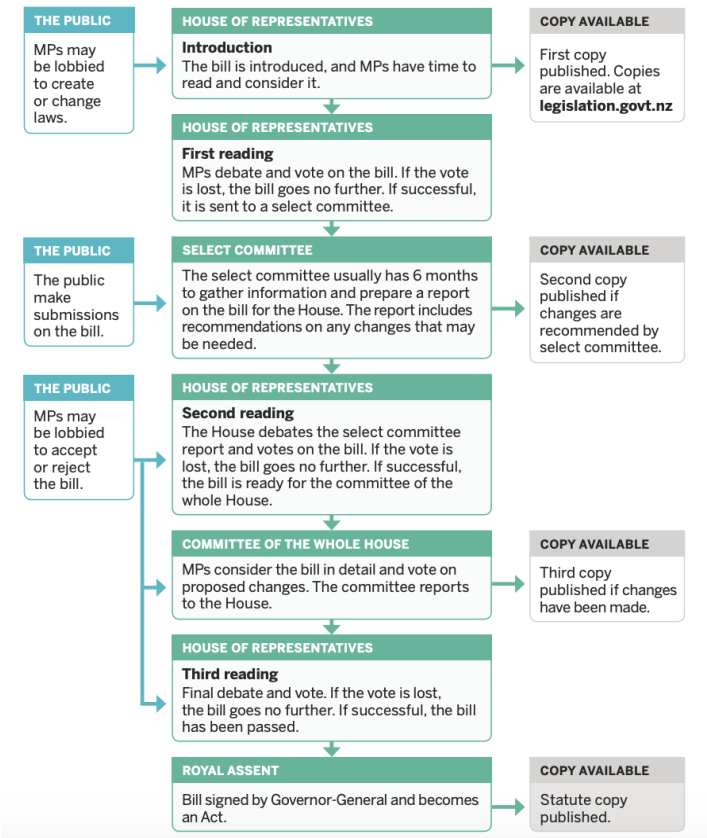


Figure 2: How a bill becomes a law (New Zealand Parliament, 2016)

2.4 Advocates of the Ecocide Movement

Prior to her passing, Polly Higgins worked alongside environmental lawyer Shirleen Chin and activist Jojo Mehta to help with small Pacific Island, such as Vanuatu where the climate crisis poses a significant threat. Through education and advocacy, Pacific states are becoming

more aware of the ICC and its role in pursuing environmental justice. States, such as Vanuatu and Maldives, have even called for an expansion of the Rome Statute to include the crime of ecocide (Stop Ecocide, 2020).

In May 2019, Shirleen Chin made a presentation to the ICC on the effects of climate change on small Pacific Islands. Chin focused on the importance of the addition of ecocide as an international crime to help these countries survive. Together, Chin and Higgins both emphasized the importance of environmental justice when it comes to issues such as intentional destruction of the environment and illegal exploitation of natural resources (Chin, 2018). Chin also founded Green Transparency, an environmental consulting firm that supports public, private, and non-profit organizations around the world to make improvements to their environmental and governance strategies (Global Initiative, 2017).

Greta Thunberg, a 16-year-old climate activist, launched onto the world stage to demand world leaders to take urgent climate action. There is a new spark in youth around the world supporting climate change campaigns because of her global presence as a young advocate. Her efforts to raise awareness about the climate change threat have inspired many generations to take action for immediate climate justice (Dennis, 2019).

The ecocide movement can be especially important to smaller developing countries suffering from the effects of climate change. Many of these countries are islands that are unaware of how to contact and stop big polluters that are causing climate change. Small island countries are seeing some of the worst effects of climate change such as rising sea level, the destruction and death of coral reefs and sea life due to pollution, and extreme weather events. Island Reach, the sponsor for this project, is a research and education organization active throughout the archipelago of Vanuatu in the southwest Pacific region. Their efforts focus on restoring biocultural diversity and combating climate change through partnerships with local communities to build both cultural and environmental resilience. Island Reach helps “provide resources facilitating peer-to-peer exchanges, dialoguing about knowledge, methods, and tools, and documenting stories, all intended to strengthen locally-led actions and support self-determination” in order to provide support for Pacific Island countries. (Island Reach, 2020).

2.5 Opposition to an International Ecocide Law

Support for an international ecocide law is not universal. There are many current polluters that would not support the addition of an ecocide law, since it would threaten the existence of their business. Climate scientists have proven there has been a 1.5-degree Celsius rise in temperature partly due to fossil fuel and their carbon emissions (Leahy, 2019). Large oil and gas companies claim they support the Paris Agreement which is an agreement 175 nations signed to combat the climate change effects and strengthen a global response to the threat of climate change (United Nations, 2015). They also claim to support renewable energy research but are simultaneously promoting scientific hoaxes about the benefits of carbon emissions (Leahy, 2019). However, it has been reported that companies such as Shell, BP, Total SA, and Eni are investing in renewable energies as oil and gas alternatives (Murray, 2020). Since they would be making an active effort to make a change from their mass destructive carbon emissions, they would not be targeted into a case with the ICC for the crime of ecocide (Chin, personal communication, 2019). However, ExxonMobil and Chevron, continue to invest in new power plants and actively block emerging climate change policies, which may continue to make them a target with the ICC (Laville, 2019).

In October 2018, New York's attorney general charged ExxonMobil for "materially false, misleading, and confusing representations to the American people about the company's response to climate change regulations" and "the lies that have been sold to the American public for decades" (New York State Attorney General, 2019). Prosecutors claimed that by misleading the amount of their carbon emissions, Exxon deceived many investors and continued to cause extensive damage to the environment. The case ended in a victory for Exxon, as the judge claimed that the attorney general failed to convincingly convey that investors to the company were deceived by the information Exxon gave (Pierson, 2019).

In similar cases, there is little-to-no punishment for climate damage caused by large fossil companies. CEOs who knowingly sign off on the destruction of the environment do not face personal repercussions aside from being replaced, like seen in the ExxonMobil case. Many companies have been aware of their damaging effects for years and failed to inform the public, as well as take any responsibility. For example in 1982 ExxonMobil's Manager of Environmental Affairs, M.B. Glaser, stated "our best estimate is that doubling of the current concentration could increase average global temperature by about 1.3 degrees Celsius to 3.1 degrees Celsius,"

conveying Exxon has known climate change would occur due to their emissions alone (Glaser, 1982). The concern is that CEOs and other corporate leaders can leave one company, take up a new CEO position at another firm, and the process of environmental exploitation for monetary gain is repeated (Chin, personal communication, 2019). With the crime of ecocide in place at the ICC level, it would hold the individuals accountable for signing on to the mass destruction they produced. This will stop the company from proceeding to do any damage while stopping the CEO from the ability to switch companies and continue to do the same thing (Chin, personal communication, 2019)

Prosecuting the CEOs of a company is an example that would apply the use of an ecocide law, which would hold them individually responsible for permitting the destruction of the environment and may be prosecutable at the ICC (Chin, personal communication, 2019). A standalone ecocide law has the potential to encourage immediate climate justice by holding executives accountable within the company (Chin, personal communication, 2019).

2.6 Environmental Organizations Within New Zealand

In August 2018, Greta Thunberg provoked the #FridayforFuture movement by sitting outside the Swedish Parliament house, protesting against the lack of attention to the climate crisis and incorrectly following the Paris agreement. Her actions became viral over social media, and this movement spread to countries worldwide (Fridays for Future, 2020). On May 14th, 2019 Wellington local, Ollie Langridge, began a protest outside of Parliament to urge them to declare a climate emergency (Stadelmann, 2020). This lasted 100 consecutive days through the winter and as a result of Ollie's protest, Fridays for Future Te Ūpoko was formed. Carrying on Ollie's message, these weekly gatherings outside the Wellington Parliament house shout the message to "react realistically in the face of the climate crisis, calling it for the rapidly unfolding emergency it is" (Fridays For Future Te Ūpoko, 2020). Members of the general public and activist groups such as Extinction Rebellion can be seen each Friday supporting the Fridays for Future movement.

Extinction Rebellion, often referred to as XR, is an international organization that uses its presence and serious organizing capacity to pressure governments to declare a climate emergency (Extinction Rebellion, 2019). Extinction Rebellion is known for being an extremist group because of their demonstrations to display their message, through unique costumes,

parading streets, or protesting in front of the government offices. Figure 3 shows an Extinction Rebellion protest on April 19, 2019, which shut down some of London's busiest streets in hopes to pressure the UK to declare a climate emergency (Extinction Rebellion, 2019).



Figure 3: Extinction Rebellion Protest in London (Embury-Dennis, 2019)

The mission of Extinction Rebellion's New Zealand branch is to inspire an innovative movement that will push for changes in the economy, politics, and society to address the country's underlying problems (Extinction Rebellion NZ, 2020). The Extinction Rebellion New Zealand branch has three demands: the government must declare a climate emergency, the government must stop the loss of biodiversity and stop greenhouse gas emissions by 2025, and the government must follow the decisions of representatives who represent the public on climate justice (Extinction Rebellion NZ, 2020).

Sea Shepherd Global, a group committed "to defend, conserve and protect the seas and marine," also focuses on environmental justice in New Zealand (Sea Shepherd Global, 2020). Their mission is to protect marine ecosystems from destruction and overfishing through direct activism. This organization has 12 vessels that occupy ocean waters all around the world to defend marine life from activities such as illegal profiteering, which is the collection of an excessive amount of profit that becomes illegal. Additionally, these companies will over fish to get the best product and dump any low-quality marine life to make sure quantity regulations

listed under the Fisheries Act 1996 are met (Sea Shepherd Global, 2020). Sea Shepherd New Zealand specifically uses “direct-action tactics to investigate, document, and take action” to expose illegal activities to “safeguard the biodiversity of our delicately balanced oceanic ecosystem” (Sea Shepherd New Zealand, 2020). Since Sea Shepherd is a registered charity organization in New Zealand, there are many campaigns that look at a specific issue such as Operation Pahu which directly works to “defend, conserve, and protect the endangered New Zealand Hector's dolphin” (Operation Pahu, 2018).

A similar environmental group, Greenpeace, is also an international organization making its presence in New Zealand. With the belief that “optimism is a form of courage,” Greenpeace works with a non-violent and creative, values-based approach (Greenpeace International, 2020-a). Internationally, Greenpeace’s goal for the next three years is to “change the way humans relate to nature and to each other” by dismantling the “broken systems and global power structures that have failed” (Greenpeace International, 2020-a). Greenpeace New Zealand’s most recent projects include exposing oil and gas companies to the New Zealand Government and promoting the use of clean energy, such as solar and wind instead of relying on fossil fuels (Greenpeace New Zealand, 2020).

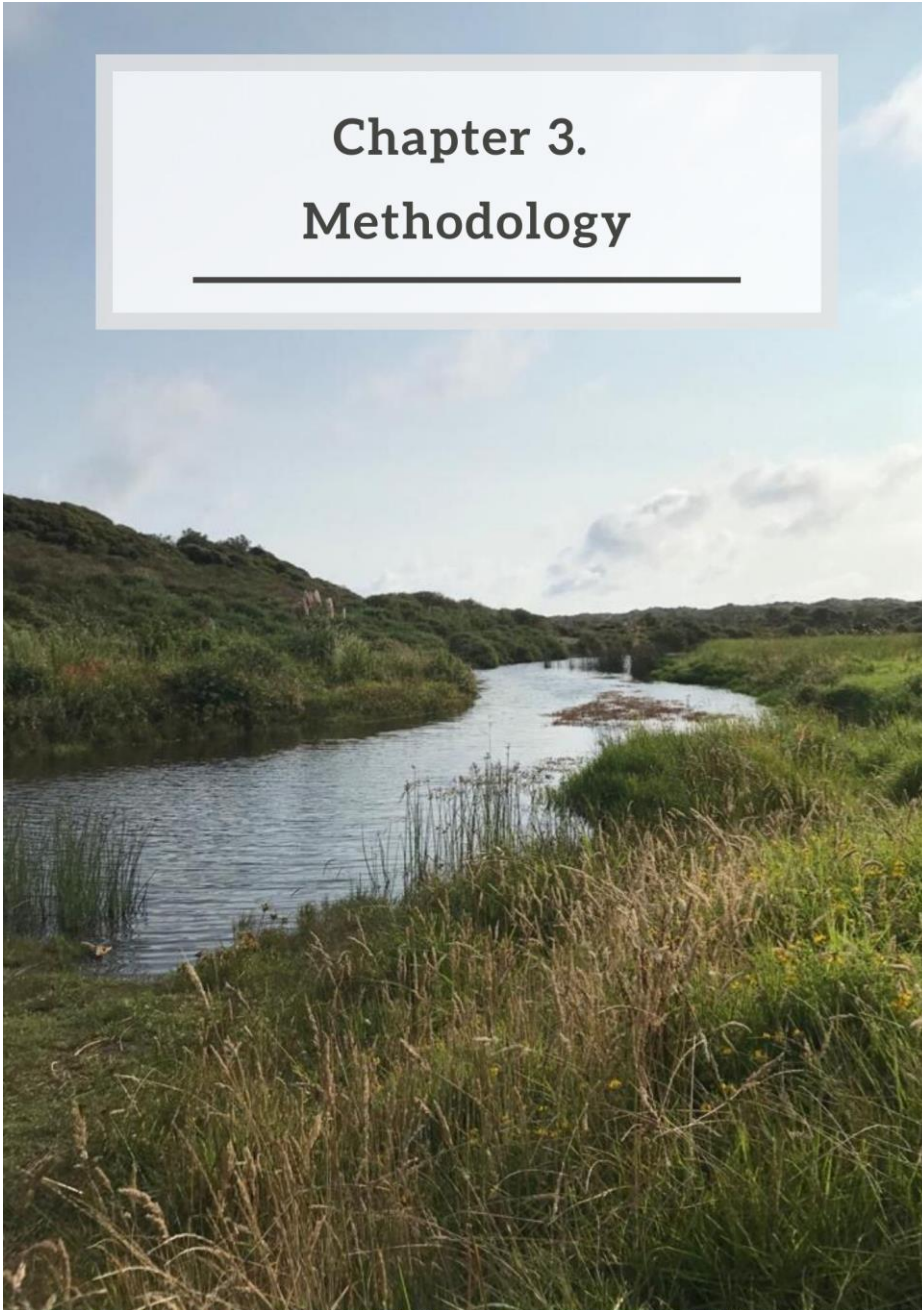
2.7 Ecological Defense Integrity Campaign

In 2017, Polly Higgins and Jojo Mehta co-founded the non-profit organization known as the Ecological Defense Integrity (EDI). Their main goal in creating EDI was to work towards the addition of ecocide as an international crime under the Rome Statute. They work with climate change and ecocide vulnerable states, such as Vanuatu, to urge them to support the proposal of an ecocide amendment to the Rome Statute (Stop Ecocide, 2020). In particular, EDI targets the Pacific Island states as a political strategy to gain more support. States at the frontline of climate change and ecological breakdown have the largest incentive in supporting this movement as their biocultural diversity, and therefore their livelihoods, cultures, traditions, and lives are at risk of completely diminishing.

The Stop Ecocide campaign was created to fund their efforts and to raise global awareness of ecocide as a viable solution capable of addressing this global crisis of climate change. This campaign has been gaining supporters from all around the world, as many have now become “Earth Protectors.” This allows anyone to sign a petition to support ecocide and

have the option to participate in public demonstrations. Those who become an Earth Protector are even backed up in court with a legal Trust Fund stating the individual is a “conscientious protector.” This means that in any case of actions taken in court against a conscientious protector there is primary evidence that the Earth Protector is “not a criminal but acting from their conscience to prevent harm (not to cause it)” (Stop Ecocide, 2020).

Chapter 3. Methodology



Chapter 3. Methodology

This chapter outlines the methods we used to provide our sponsors with initial research relating to common interests and strategies between activists and the New Zealand Government. This will help them create a strategy to urge New Zealand to become a supporter of an international crime of ecocide written under the Rome Statute.

To achieve this goal, we created three objectives:

1. Examine previous actions the government took to address environmental concerns.
2. Understand concerned citizen's viewpoints on environmental destruction.
3. Identify the commonalities between the activist and the government.

The flowchart below depicts our project goal, objectives, and methods. Each strategy is then discussed in further detail below.

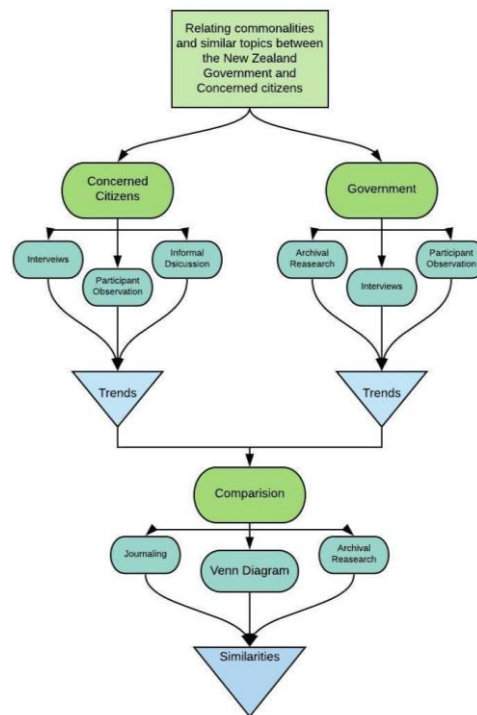


Figure 4: Graphical representation of our goal, objectives, and methods.

We used participant observation for all of the objectives in order to give a more holistic understanding of the setting and interaction between people within a given event. We went to various events pertaining to environmental activism to observe actions the public does to spread awareness of their environmental message. We also attended a Select Committees Room in Parliament in order to observe a legal discussion centered around addressing climate change.

We conducted semi-structured interviews that will be used in all 3 objectives. 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 (Ward, 2014). For these interviews, we used snowball sampling and convenience sampling. For some interviews, we requested a semi-formal interview after an informal discussion at larger events. Once they showed interest in the project, we asked if we could schedule a formal interview. Convenience sampling was the best way to initially target our stakeholders because we got people who are more educated on environmental issues within New Zealand. After completing interviews, we used snowball sampling to find more people who would be interested in speaking to us about environmental justice.

These interviews were semi-structured interviews to allow the direction of the interview to go deeper into a passionate and personal story. Although we had questions that we prepared, we allowed flexibility to make these interviews more of a formal conversation. These interviews were audio-recorded with the consent of the interviewee, in order to be able to refer back to the recordings for direct quotes and reference for our overall findings. After the interview, we timestamped key ideas within the audio recording to easily identify key findings and quotes that would be helpful for our findings. We targeted New Zealand citizens who were 18 years or older since they are eligible to vote.

3.1 Examining Previous Government Actions

In order to examine previous government actions to address environmental concerns, we used three methods: (1) archival research, (2) key informant interviews, and (3) participant observation.

Archival documents were particularly helpful to learn about laws pertaining to the environment, such as the Climate Change Response (Zero Carbon) Amendment Act of 2019. We

used the University of Victoria Law Library in Wellington as a resource to read books to understand environmental laws in New Zealand and studied legal case documents to see efforts the government has made to address key concerns pertaining to environmental justice. In addition, we used the New Zealand Parliament's online websites to access laws that are in progress and have that already passed. We used these documents to understand what action the New Zealand Government is taking to address climate change.

We conducted three semi-structured interviews with legal experts, such as a professor from Victoria University teaching international environmental law and a former member of Parliament to get an understanding of the different legal processes and environmental policy. We emailed many members of Parliament and environmental law professors that had a background in international law and environmental law. We asked questions about environmental law and policy, the potential of an international crime of ecocide, and whether an ecocide as a crime would be supported within New Zealand.

On February 12th, 2020, we attended a Select Committees Room discussion on the Emissions Trading Reform Bill of October 24, 2019. This was an opportunity for us to observe the New Zealand legislative process happen firsthand. This provided us with information on how the parties converse with one another, what topics are brought up in discussion, how parties present ideas, and how other parties react to those ideas.

3.2 Activism and Concerned Citizens Stance on Environmental Justice

In order to understand concerned citizen's viewpoints on environmental destruction, we used 1) ad hoc discussions with activists, 2) interviews with key informants, 3) participant observation of concerned citizens.

We performed ad hoc informal discussions with people we met at the events we attended, such as Fridays For Future, volunteering, and OMV protests. These events were a venue for a variety of climate advocates and served as areas where we could better understand organizations' missions and understand if they might be supporters of an ecocide movement. We would begin the discussion about their personal connection to the event; in other words, asking why they attended the event. These informal conversations give people a chance to gain a sense of comfort and tell us deeper reasons they are at the event. We wanted to know any personal stories or background to understand why they care for this event. Later we asked about their thoughts on

environmental justice. By using this approach, we got raw and unscripted answers of how the people felt. After understanding thoughts on environmental justice, we asked about their knowledge and opinion of ecocide. After these conversations, we would ask to set up a formal interview if we saw fit.

We conducted formal semi-structured interviews with concerned citizens and activists in order to understand their viewpoints of environmental destruction. During the interviews, we developed a deeper understanding of what they find the most disturbing about the current state of the environment. We interviewed individuals associated with Extinction Rebellion New Zealand, Sea Shepherd New Zealand, and Greenpeace New Zealand, as well as interviewing environmentally concerned New Zealand citizens. We conducted interviews to understand what environmental issues many people care about and whether they believe someone should be held responsible for the destruction of the environment. This led to a conversation about ecocide and their thoughts on this being a potential law.

In addition to environmental protests, we also volunteered with an environmental conservation group to get the views of other environmentally concerned citizens. We volunteered with Conservation Volunteers New Zealand, which is an organization that works in partnership with communities in order to help everyone get involved with “managing and protecting that environment,” (Conservation Volunteers New Zealand, 2020). We asked the volunteers questions to understand why they came to that event and what their motivation was, which lead into deeper conversation. Since these are concerned citizens, we used these questions to understand what environmental issues many people care about and whether they believe someone should be held responsible for the destruction of the environment.

3.3 Common Trends Between Activists and the Government

Our methods in identifying the commonalities between the activists and the government. interests are: (1) archival research, (2) journaling, and (3) creating a visual to draw common interests. With these methods, we made connections on common environmental themes between concerned citizens and the New Zealand Government in the context of supporting an ecocide movement and the addition of ecocide to the Rome Statute.

We used archival research to understand the influence activists have on governmental policies in the past. We obtained documents from the New Zealand Parliament website and the

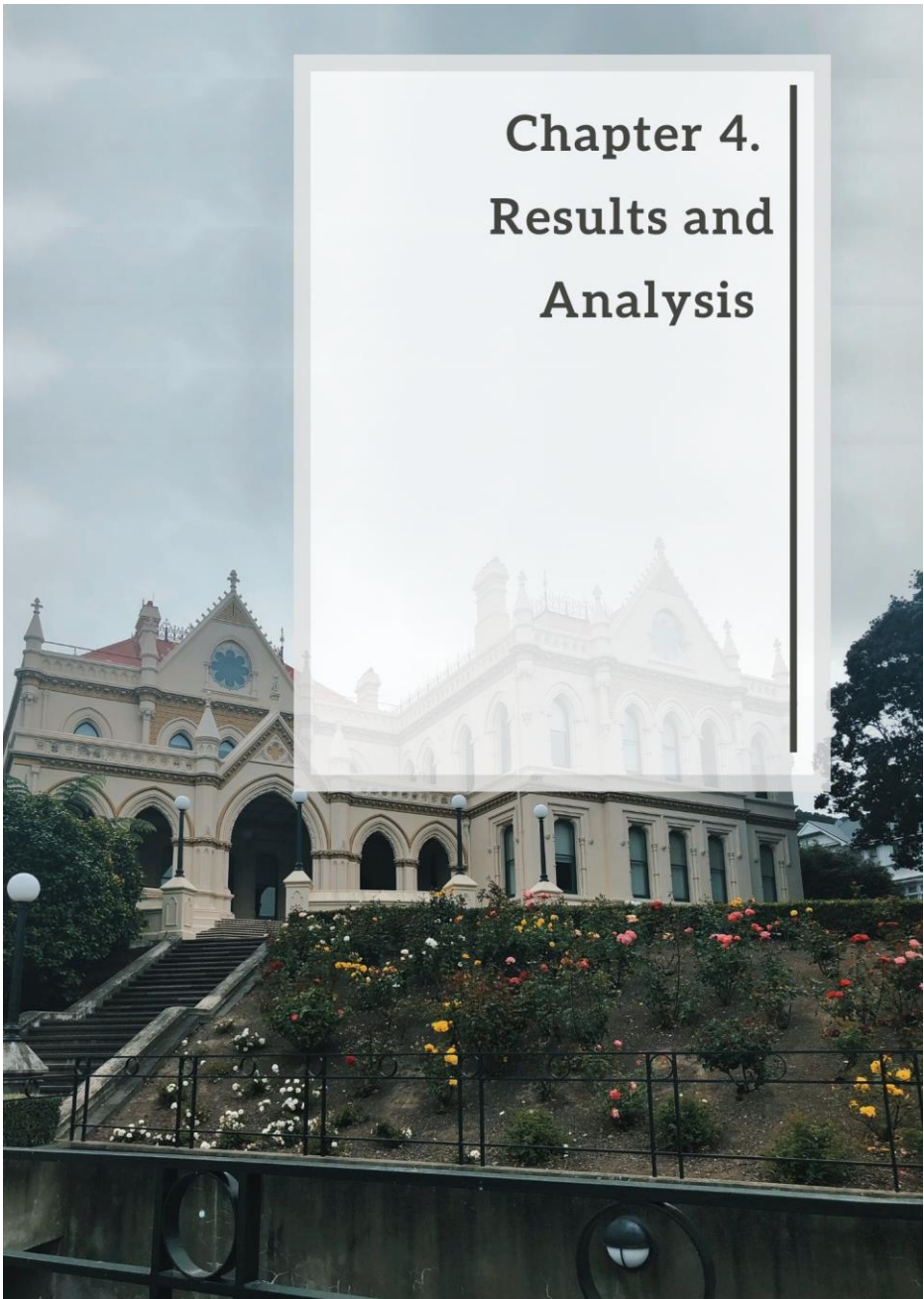
Victoria University Law Library in Wellington. We investigated the Sarah Thompson case into further depth, conveying the action a concerned citizen took to prosecute the Ministry of the Climate Change Issues.

We journaled to record our thoughts throughout this project in order to draw conclusions about the relationship between concerned citizens and the government. Journaling was a helpful way for us to remember the raw emotion and expressions portrayed within our informal discussions, as well as remembering things we learned while talking to different people. Not only did journaling allow us to reflect on our discussions, but it also encouraged us to capture our own shifting responses on the topic of ecocide. Journaling allows us to remember the conversations we had, as well as to continue the process of developing our changing thoughts on New Zealanders' perceptions of ecocide. The journals included participant observation, stories of the participants, and our personal feelings towards responses. Each journal entry was dated and titled with the event we attended. The journaling would consist of the conversations we had and our observations of the surroundings, then a reflection section to convey how we felt and our personal thoughts about the discussion or event. This journaling was done after we attended the events stated in the first and second objective however, it was important when identifying the common themes between government and activism.

With our findings from objective one and objective two, we created a visual illustration of common themes between the government and concerned citizens that takes shape in the form of a Venn Diagram. We found the similarities and differences among these groups in terms of environmental justice. We used these common themes to identify an intersection between the government and concerned citizens to address a common interest in preserving environmental concern.

3.4 Data Collection

We collected our data using our mobile phones to audio record interviews and informal discussions with the participant's permission. When recording, we asked the participant to recite a sentence stating their name and confirming the consent to use their quotes on our project which would we posted to the WPI website. These audio files were transcribed into writing on a google document file. These transcriptions along with written notes were stored on a google drive and destroyed once information was extracted for the use of this project.



Chapter 4. Results and Analysis

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Our findings are categorized by objective, the first being governmental findings, the second is concerned citizen findings and the third is a comparison between the two groups. We use the findings from the first two objectives to complete the third objective of addressing common trends both groups use. Although their reasoning may be different, they can both impact the same conclusion in efforts to introduce an ecocide movement and a conversation about an international ecocide law within Parliament.

4.1 Parliament and Government Findings

The New Zealand Parliament is the governing body which creates the laws and the Government is the body that administers the law. We found that Parliament has made a major effort in addressing environmental issues and being a part of a global movement to mitigate climate change. Looking specifically at the Climate Change Response (Zero Carbon) Amendment Act of 2019, we analyzed and explored this act because it was the most recent action New Zealand has taken to combat its contribution to climate change. Additionally, we interviewed key informants Kennedy Graham and Bjørn-Oliver Magsig for further legal advice and their opinions of the Climate Change Response (Zero Carbon) Amendment Act of 2019 as a gateway to a conversation about ecocide.

1. New Zealand Support to Help Mitigate Climate Change

The Climate Change Response (Zero Carbon Act) Amendment Act of 2019 is an amendment to the Climate Change Response Act of 2002. This new Act of Parliament is to “develop and implement clear and stable climate change policies” that follow the Kyoto Protocol, Paris Agreement, and the United Nations Framework Convention on Climate Change (Climate Change Response Act 2002). The Climate Change Response Act of 2002 looks at “general exemptions, fishing allocation plan, eligible industrial activities, removal activities, stationary energy and industrial processes, synthetic greenhouse gas levies, the New Zealand Refining Company Limited, unique emissions factors, Unit Register, waste, forestry, and fossil fuels” in order to contribute to a global effort for mitigating climate change (Ministry for the Environment, 2019-c). By having an act in place from 2002, it shows Parliament has been addressing climate change for over a decade. This new amendment creates a larger goal to

combat climate change head on and produce zero carbon emissions by 2050. 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, 2020).

The Act commits New Zealand to zero carbon emissions by 2050 and a 10% reduction in methane emissions by 2030 (DairyNZ, 2020). The Zero Carbon Act framework has three following objectives:

1. Leadership at home and internationally
2. A productive, sustainable, and climate-resilient economy
3. A just and inclusive society

The first objective is primarily to ensure New Zealand holds itself accountable to acting consistently with the Paris Agreement by putting in place stable and enduring climate change policy. It also ensures that New Zealand is supporting the Pacific Island's through reduction and adaptation. Through this objective, it shows New Zealand looks to be global leaders in climate change mitigation. The second objective is to address the different policy pathways and taking into account the costs, benefits, opportunities, and trade-offs for the adaptation of future climate change impacts. Lastly, the third objective is aimed to support regions and demographics affected by the adaptation to climate change and recognizing the rights listed under the Treaty of Waitangi, specifically towards the Māori (Ministry for the Environment, 2019-e).

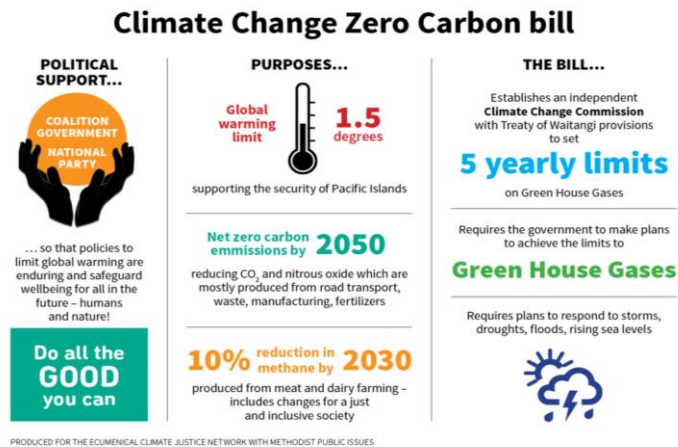


Figure 5: Overview of the Zero Carbon Act (Anglican Resources for Social Justice, 2019).

New Zealand Prime Minister Jacinda Ardern stated “Today, we have made a choice that I am proud of, that will leave a legacy, and that I hope means the next generation will see that we, in New Zealand, were on the right side of history” (Corbett, 2019). This shows what she wants New Zealand to have a positive public image now and the future. New Zealand has seen themselves as leaders for global efforts in many issues in the past. Member of Parliament James Shaw, states New Zealand has “led the world before in nuclear disarmament and in votes for women [and] now we are leading again” in efforts to combat climate change with the ability to set a national goal for zero carbon emissions (Corbett, 2019).

Passing the Zero Carbon Act with a nearly unanimous vote of 119 to 120, demonstrated that the majority of the New Zealand Government supports global climate action (The Spinoff, 2019). 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 and Member of Parliament, in which David Seymour, member of the ACT party, confirmed that he does not support the Zero Carbon Bill (ACT New Zealand, 2019). However, this was an unpopular opinion because the ACT party only has one seat in Parliament (New Zealand Parliament, 2020-a). Seymour continued to debate that the New Zealand Prime Minister, Jacinda

Ardern, “is more concerned about a global audience than good policymaking” (ACT New Zealand, 2019). Specifically stating New Zealand cares about a global audience, conveys an avenue for the consideration of an ecocide law given there is already an international movement.

New Zealand has made an effort to enforce The Climate Change Response (Zero Carbon Act) Amendment Act of 2019 by creating an “Emissions Trading Scheme” in place to put a price on greenhouse gas emissions (Ministry for the Environment, 2019-a). This was established to help New Zealand take responsibility for the number of carbon emissions made. In order to emit carbon into the atmosphere, a business must purchase emission credits which are to be given to the government depending on how much they emit. For example, a business emitting 2,000 tons of carbon must purchase 2,000 emissions units on the NZ ETS market, and give the government 2,000 emission units. Foresters who plant trees that absorb greenhouse gasses, like carbon dioxide, are given emission credit from the government and can sell those emission units on the NZ ETS market and make a profit. This was established for businesses to reduce their carbon emissions and to promote the country to plant trees to help reduce the levels carbon dioxide levels, thus reducing the effects of climate change. Ultimately, the ETS creates a financial incentive for businesses that reduce their emissions and landowners who plant trees to absorb the carbon dioxide in the air. There is now the Climate Change Response (Emissions Trading Reform) Amendment Bill, which is currently in the process of becoming an amendment set on improving the current ETS (New Zealand Parliament, 2020-c).

On February 13th, 2020 we attended a Select Committees Room at the Parliament House, where we observed the Climate Change Commission presenting an oral and written submission to the Environmental Committee on the Climate Change Response (Emissions Trading Reform) Amendment Bill. The Climate Change Commission was established December 2019 by James Shaw with the purpose to “to provide independent, expert advice to the Government on mitigating climate change (including through reducing emissions of greenhouse gases) and adapting to the effects of climate change; and to monitor and review the Government’s progress towards its emissions reduction and adaptation goals.” (Climate Change Commission, 2019)

Progress of the bill

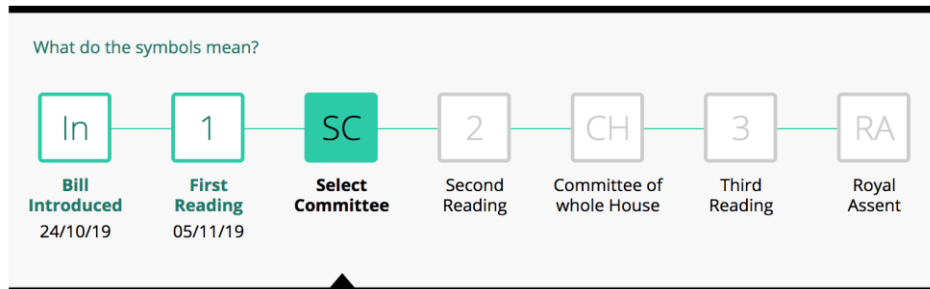


Figure 6: Progress of Emissions Trading Reform Bill 2020 (New Zealand Parliament, 2020-c)

This hearing was open to the public, which many companies and reporters came prepared to listen in on this discussion as the use of emission credits affect many businesses. The public was only able to stay for a short period of time and we were not able to hear the final statement on the matter. During the meeting, we found that the Climate Change Commission brought up an issue with the time constraint of the matter and how New Zealand might not be able to make the target go past 2030. The process in which this bill stands can be seen in Figure 5. Although New Zealand is having trouble finding ways to enforce the Zero Carbon Bill, they are taking steps to reach their goal, in service of wanting to meet their “international obligations” for reducing their carbon emissions (Ministry for the Environment, 2019-b).

The ETS is a simple and logical system to keep track of carbon emissions, while also creating an incentive to those who are aiming to be greener. By implementing this, it can be clear that New Zealand is making an active effort in recording their emissions, and not ignoring the climate change issue. Although enforcing the progression towards a zero-carbon society is still being talked about, the ETS is an example of how New Zealand balances its economy to aim towards reducing carbon emission. Through the implementation of the ETS, New Zealand shows its concern about the amount of carbon they produce and shows they are actively working to do something about it. By displaying an action plan for reducing carbon emissions, it conveys New Zealand has addressed the Paris Agreement in a global action to take charge and address climate change as an emergency.

2. New Zealand Wants to be a Good Global Citizen

New Zealand has already shown a large interest in being a strong international leader, such as being the first country to allow women to vote and the first to abolish nuclear warfare. Now New Zealand is being globally praised for the implementation of the Zero Carbon Act (Corbett, 2019). We believe that New Zealand has used the Zero Carbon Act and Emissions Trading Reform Amendment to make itself known as a leader within the climate change mitigation movement however, that also depends on who is Prime Minister and the other members of Parliament. The Prime Minister of New Zealand, Jacinda Ardern, is leader of the Labor Party. Since she is a center-left party and supporter of the act, this allowed The Climate Change Response (Zero Carbon) Amendment Act of 2019 to gain support throughout Parliament. Since the current Prime Minister is more progressive than the previous ones, this may have been a reason there was a push for a change. For example, if the former Prime Minister, Sir William English from the National Party was still Prime Minister, then there may have not been a strong push for the Zero Carbon amendment to pass. In addition, when the “Climate Change Response Act 2002” was in place, there was another Labour Party member in office Helen Clark. In both cases of implementing environmental policy, there have been progressive Prime Ministers to push for the support of environmental justice. However, ecocide is a radical idea, therefore depending on the future elections, an ecocide law will more likely be passed if there is a very progressive Prime Minister in office.

An International Environmental Law professor of Victoria University, Bjørn-Oliver Magsig, believes the Zero Carbon Law is a good “first-step” in working to mitigate climate change and the government is “heading in the right direction” (Magsig, personal communication, 21 February 2020). He continued to explain how New Zealand wants to be a “good global citizen” by enforcing this law, therefore doing what they can to make this first move in addressing the global climate crisis (Magsig, personal communication, 21 February 2020). He also thinks that the “second steps [are] harder” because of what needs to happen to address the flaws within the system (Magsig, personal communication, 21 February 2020). When bringing ecocide into the conversation, he seems to think the only reason New Zealand would want to sign onto ecocide as international law, is because they are trying to be good global citizens.

We spoke with Dr. Kennedy Graham, a former member of the New Zealand Parliament and a member of the Green Party. In 2012, Dr. Graham accused the Ministry of Climate Change

and the Prime Minister of a “moral crime of ecocide” because of the passing of a law that watered down New Zealand's obligations to reduce carbon emissions (Graham, personal communication, 21 February 2020). When asked about the Zero Carbon Bill, Dr. Graham optimistically believes that although it is not enough to solve climate change it is “certainly not going in the wrong direction, [it is] 10% preconditioned of success and without which it would be 0%” (Graham, personal communication, 21 February 2020). From this statement, Dr. Graham does think that New Zealand is heading in the correct direction and supports this idea of New Zealand wanting to be a good global citizen.

In addition, New Zealand's current Prime Minister, Jacinda Ardern, has shown to have a large international presence in the media. In April 2019, she was named one of the top 100 most influential leaders by Time Magazine. Then in July of 2019, she was asked to be on the cover of the British Vogue's September issue (Devlin, 2020). Recently, in February 2020, she was featured on the cover of TIME magazine (Figure 7). Being on the cover of an international magazine shows her power and ability to influence a worldwide audience. If she is able to speak on behalf of an ecocide law, there may be a rise from many other countries. She currently has the attention of the world and she could use it to promote action against climate change and to ratify an ecocide law.



Figure 7: Jacinda Ardern on the cover of TIME Magazine (Luscombe, 2020)

3. Crimes of Aggression Relating to Ecocide in New Zealand

The Crimes of Aggression was added to the Rome Statute on July 17, 2018, which allows the International Criminal Court to prosecute leaders responsible for “waging aggressive war,” (Coalition for the International Criminal Court, 2020). However, it was finalized that countries who have not ratified this law will not have to follow this, as the ICC will not have jurisdiction over the member states who have not ratified (Coalition for the International Criminal Court, 2018). New Zealand was not part of the initial 35 countries who signed on because they were unable “to ratify the crime of aggression amendments without first putting new legislation in place” (Cooke, 2018). Without creating laws domestically, it would be possible for individuals in power, such as Prime Minister Jacinda Ardern or Defense Minister Ron Mark, “to be tried in domestic courts or the Hague if New Zealand committed an armed act of aggression” (Cooke, 2019).

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 may want to implement legislation to protect powerful individuals who otherwise may be responsible for committing a crime of ecocide. However, New Zealand has been implementing domestic climate change laws and regulations, which could mean that they are on the right track for ratifying an international ecocide law.

Dr. Graham explained that he sends in submissions for bills on the crimes of aggression to parliament because “[it] needs to be put on record otherwise they are totally like sheep” when referring to a political cartoon (Figure 8)(Graham, personal communication, 21 February 2020). From having been a part of Parliament, Dr. Graham explained how this can often be the case when discussing environmental issues, where he is the “black sheep.” Taking a similar approach as Dr. Graham might be helpful to begin a conversation within parliament about ecocide as an international crime, as this will gain attention from the Prime Minister and other members of Parliament.

Therefore, when the bill is introduced, there needs to be a progressive Prime Minister who will support this law. One would need to find the “black sheep” as Graham has referenced, in order to introduce the idea of ecocide. By putting it on record and producing something for Parliament to review, the process for ecocide as an international law to be considered by New Zealand will be started. Additionally, since New Zealand has strong pressure to be good global citizens, there may also be pressure to sign onto an ecocide law to support nations suffering from climate change worldwide.

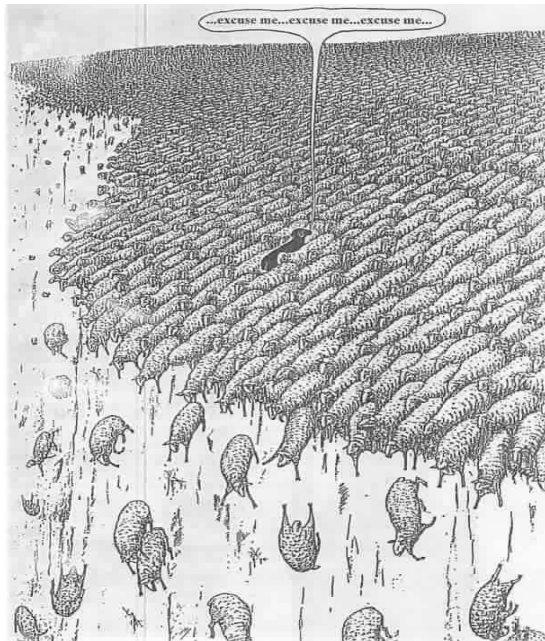


Figure 8: Black sheep cartoon (unknown author)

4.2 Concerned Citizen's Findings

In this section, we understand concerned citizen's viewpoints on environmental destruction within New Zealand. Through participant observation, interviews, and informal discussion we found that all the citizens had many general concerns about the environment. Our conversations were centered around concerns regarding environmental justice and who should be held accountable for the destruction of the environment. These conversations served as a gateway to open up the discussion about the crime of ecocide. Through participant observation, we observed the strategies many concerned citizens use to further their efforts in combating the destruction and conservation of the environment in New Zealand.

1. General Concerns

In order to understand these viewpoints, we identified the general concerns for the environment regarding the destruction of the ecosystem in New Zealand and worldwide. We did this to understand if people would support an ecocide movement based on the types of concerns. Everyone that we spoke to believes that their needs to be environmental justice for the destruction that has been done. When asked the general public what some of their general concerns were, we found many common responses such as overfishing, excessive carbon emissions, and polluted waters.

One of the most common responses we got was the issue caused by dairy farms allowing animals to pollute the nearby rivers. The Ministry for the Environment published a report in 2019 that showed that the dairy herd has grown by 70% since 1994, causing an increased level of nitrogen in the water (Ministry for the Environment, 2019-d). Many people expressed there is a huge problem in New Zealand with animal fecal waste from dairy farms spreading into freshwater streams and rivers. This causes contaminated drinking water and kills essential bacteria and small species which can affect the ecological balance eventually decreasing the fish population. Many species are threatened with extinction because of both human and animal pollution (Ministry for the Environment, 2019-d). Millan Ruka, the founder of the Environmental River Patrol for the Wairau River, believes there is a lot of pollution and this is because of the dairy farming industries around the area (Ruka, 2015). Ruka had left New Zealand for 10 years and when he came back, he "could not believe how bad the condition of the

river” was because of the pollution from dairy farms (Ruka, personal communication, 14 February 2020). He now uses photo maps and assessment reports to keep a record of pollution he has seen while sailing around the river, so that he can report to authorities where the pollution is coming from. (Ruka, personal communication, 14 February 2020).

The program leaders of Read New Zealand Te Pou Muramura, Kathryn Carmody, Tanya Prince, and Melissa Wastney, expressed concerns about big fossil fuel emitting companies. They specifically brought up their concerns with airline companies because of the massive carbon footprint they leave on the globe. Carmody thinks the “idea of us being able to fly anywhere needs to stop fast” because of the amount of carbon emitted from being on a plane (Carmody, personal communication, 23 January 2020). Flying on a plane for 1 hour is equivalent to emitting 90 kg of carbon dioxide into the atmosphere (Carbon Independent, 2019). These kinds of emissions contribute to global warming, and by “choosing not to fly” it can be “one of the most impactful decisions people can make as individuals” (Wastney, personal communication, 23 January 2020). Greta Thunberg has started a growing movement around the world, known as the Swedish term “flygskam”, which encourages people not to take flights in order to lower carbon emissions. (Coffey, 2020).

We also followed the conversation of general concerns by asking if they believe someone should be held accountable. With all the conversations we had, everyone believed that someone should be held responsible for this environmental destruction but, we found there was a difference in who should be held accountable. Some believe that the CEOs of corporations signing off on oil rigging and refusing to find greener alternatives should be the ones to blame. Others think it should be the government taking the blame for allowing companies, such as OMV, to obtain permits. One interesting response we got was that at a certain point, it is everyone to blame for contributing to the destruction of the ecosystem. Jessica Desmond, Ocean Campaigner from Greenpeace stated, “we did not get here [in a climate crisis] on accident ...we all need to take some sort of responsibility and make a change” (Desmond, personal communication, 28 February 2020). Melissa from Read NZ commented that at this point she is “just trying to minimize the huge amount of damage that we [human beings] already do by just existing” (Wastney, personal communication, 23 January 2020).

From these responses, it is clear to see these people are angered that this mass destruction is being done. Whether or not they would support an international ecocide law, they all believe

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that in some type of way someone needs to be held responsible and punished for these actions. We found that many individuals would, in fact, support an ecocide movement, but they think the government would never sign off on it. Tanya Prince believes that “it comes down to economic models as well, we have a world that just wants to continually produce” as a reason why the government would support the crime of ecocide (Prince, personal communication, 23 January 2020). The government could be hesitant to sign an ecocide law because this could damage its economy. Fonterra is the New Zealand multinational dairy farm industry which brought in a Net Profit After Tax of \$80 million NZD in 2019 (Fonterra, 2019). If an ecocide law were to be passed, these dairy industries would have to limit the number of cows on their farms to regulate the amount of carbon these animals emit. Governments could be cautious for signing off on a law that would cause a decrease in profit from companies such as dairy farming or oil companies. It can be seen that the people want something to be done for this unfair treatment towards the environment and ecocide as an international law could satisfy these needs.

2. Perceptions of Ecocide as a Term

At the beginning of our research, we approached citizens with the term ecocide directly but, found this was not the best approach because of the lack of understanding about the term ecocide. We changed the conversation to start with a discussion about environmental destruction and we found that many more people were open to sharing their opinions. Near the end of the conversation, we asked if they had heard of the term ecocide and almost all the responses were that they had not heard it before, or they heard it but did not know what it meant. “Ecocide as a term can be split into two, eco- and -cide” and it can be easy to guess what this means by doing but it can also lead people into thinking of a wrong definition (Turnbull, personal communication, 28 February 2020).

We also found that when asked to define the term, many had negative opinions and found the term was intimidating. Jessica Desmond talked about Greenpeace’s strategies of reaching the public with messages that sometimes can be seen as violent. She brought up how some can be “turned off by security and frightening messages,” leading them to ignore the problem as a whole (Desmond, personal communication, 28 February 2020). By using “value based” messages this can bring people to “care more about the issue” as it becomes “more personal to them” (Desmond, personal communication, 28 February 2020). Kathryn Carmody also commented “I

find that I do not read things that are very depressing” but that when she does “see good stuff people are doing it is really affirming” (Carmody, personal communication, 23 January 2020). Although the term ecocide cannot just be changed to some other word, having a positive correlation to it would allow people to be more open to discuss this topic. Centering a conversation around how ecocide could be used as a tool to get justice for the environment would benefit in gaining support for this.

In addition to finding there was a lack of knowledge on ecocide, there were even some cases where there was a lack of complete knowledge on the climate crisis. Stasi Turnbull, Manager of Learning and Engagement at Zealandia talked about how some people are not even “aware of how good nature can be” because of where they grew up geographically. “Some people that grew up in a city see nature as this” as she points out a potted plant, “and [people] have no idea what is actually out there,” in reference to the beauty nature can hold (Turnbull, personal communication, 28 February 2020). She explained further that wildlife sanctuaries like Zealandia are a “perfect way of showing people who are not exposed to the beauty of nature how good it really can be” (Turnbull, personal communication, 28 February 2020). Desmond touched upon how there are “supporters of the climate movement who take action,” then at the opposite end there are people who you will never reach and are “completely opposed to changing their life,” but there is a middle group (Desmond, personal communication, 28 February 2020). This middle group is the ones who “yes, understand climate change but they are not connected to the urgency of the matter” (Desmond, personal communication, 28 February 2020). This middle group of people are the ones that need to be swayed to understand the urgency of climate change that it is drastically affecting people's lives and should also be the people being targeting for an ecocide movement.

There is a lot of scientific evidence out there proving climate change is an urgent and immediate issue, however there are still those who do not see the urgency of climate change. A study done by Pew Research Center showed that many countries believe climate change poses a major threat but a median of 9% think climate change does not pose any threat at all (Fagan & Huang, 2019).

3. Different Forms of Activism in New Zealand

We found concerned citizens with strong opinions on environmental justice can be categorized into different forms of environmental activism, depending on what activities they are involved in. These range from different types of support for environmental justice, such as protesting and volunteering. We found there are two forms of activism in Wellington, New Zealand.

Environmental Activists

The first type of activism we identified was the group known most commonly as activists. This group is the ones who gather outside of parliament, march through the streets, and publicly spread their message by using their voices and posters. Their actions consist of parading, rallying in front of government and company buildings, and spreading awareness through handmade signs, in a demand that people listen to them. Attending the #FridaysForFuture protest in front of the Parliament House in Wellington each Friday at noon, we had in-depth conversations with 15 of these activists and got an insight into what they believe to be imperative concerns of the environment. These protests were fairly small, with about 20 activists attending, however one told us that it was a low attendance because the students were away on their summer break. The younger generation has a bigger presence at these protests once back at University. This weekly gathering was a way for the group of climate change activists to spread their message to others, increase attention from the general public and gain governmental traction in hopes for more to support their cause. We were also able to attend the OMV protests in front of the OMV office building in Wellington, New Zealand, talking to 6 different protesters all explaining their reasons they find protesting important.



Figure 9: “We are Running Out of Time” poster at #FridaysforFuture protest in front of Parliament.

Conservation Groups

We found that voluntary conservation groups considered themselves a different form of activism that is still equally as necessary to move New Zealand in a positive direction for environmental justice. These groups are the hands of environmental activism, taking on the task of volunteer jobs. Through their volunteer work, they accomplish a physical and noticeable change to the environment in efforts to restore New Zealand back to its original state. Through participant observation, our team volunteered with the non-profit environmental restoration organization called Conservation Volunteers New Zealand. Conservation Volunteers organize a variety of restoration projects all over New Zealand such as, preserving threatened species and managing pollution of the waterways and oceans. The group of eight volunteers consisted of young adults who considered themselves activists, by supporting others' messages and making a change to the physical environment.

When asked about their affiliation with other environmental activist groups, they feel they are doing their role when being out in the field. This group of people liked that they can actually see the difference they made at the end of the day. Our head coordinator who would like to remain unnamed believes that what they are doing is just as important as protesting and this is “their form of activism,” however, they are very appreciative of the people who do “go out and protest” because there would be no funding from the government, without the activists fighting for it. Our lead coordinator of the project further explained that “without the activists voicing their concerns, programs like this would not be possible without government funding.”



Figure 10: Conservation of New Zealand Volunteers

Although the actions of different forms of activism accomplish different tasks, they are all working to achieve the same goal of bettering the environment. We found that each of these groups plays a very important role in making an impact on the community and creating change. There were many cases where individuals fell under both of these forms of activism. Both of these groups help each other gain traction and support to accomplish a similar goal of gaining justice for the environment. Without the conservation groups, there would be no physical change to the environment and without the activists protesting at the Government, there would not be a concern to fund conservation groups.

4. Media's has a Strong Influence

We found that the media is a powerful tool when spreading a message to reach a wider audience. Opinionated articles, news reports, and social media posts are all forms of spreading environmental activism which impacts the viewer's stance on environmental justice. New Zealand environmental journalist, Lynley Tulloch, uses articles as a way to get her thoughts and messages pertaining to environmental destruction across to the general public. Lynley has used the term "ecocide" in her writings because it is "such a powerful concept that would help people worldwide" address and stop climate change (Tulloch, personal communication, 11 February 2020).

In Figure 11, the New Zealand Herald wrote about Ollie Langridge, a climate activist, and his 100-day stakeout on the Parliament lawn in hopes of gaining attention and raising awareness of the climate emergency. Ollie feels climate change is an urgent topic and he needed the government to hear him. Unfortunately, we were unable to formally interview Ollie ourselves, but he did do an interview for "Unsustainable" which has given us further insight into what happened during the 100-day stakeout. He said that several people from the Green Party, such as Chlöe Swarbrick, Gareth Hughes, James Shaw, and Geoff Simmons are the "politicians that genuinely cared the most." (Stadelmann, 2020). From this 100-day stakeout, Ollie got retweeted by Greta Thurnberg around day 16, finding himself with thousands of followers which enabled him to gain a lot of traction. He found certain days there would be thousands of people outside of parliament protesting with him (Stadelmann, 2020). This movement is spread across social media and newspapers to get a hold of various environmental activist leaders and also grabbed the attention of many government officials.



Figure 11: Fridays for Future protest, Extinction Rebellion member holding newspaper article about Ollie’s 100-day strikeout.

In 2019, it was reported that 3.5 billion people are online, shows one-in-three people worldwide using social media (Ortiz-Ospina, 2019). It has been seen that social media, such as Facebook, Twitter, and YouTube play a huge role in creating a compelling message. Jessica Desmond from Greenpeace added how “historically doing television ads was a very effective way for us to bring in supporters, but now looking at social media advertisement, it holds a much larger weight” when gaining supporters (Desmond, personal communication 28 February 2020).

On YouTube, a non-profit environmental organization Greenpeace posts advertisement videos that illustrate the effects of climate change through captivating videos and emotional animations. As seen in figure 12, Greenpeace commercials have a large impact on promoting what is going on in today's world even hundreds of kilometers away from inhabited lands (Greenpeace International, 2020-a).



Figure 12: A Greenpeace diver holding a banner which reads “Coca-Cola is this yours?” and an empty plastic coke bottle found in the Great Pacific Garbage Patch (Greenpeace International, 2020-b)

Leaders of the climate change movement such as Kate Jensen, a member and leader of Extinction Rebellion in New Zealand, use platforms such as Twitter because “it gives anyone publicity to share their message and raises consciousness [about environmental issues] around the entire globe” (Jensen, personal communication, 14 February 2020). She explained how she is able to get in contact with environmental activists around the world that all have similar interests in addressing climate change. Additionally, a recent study conducted by Nature Communications used flood-related tweets to pinpoint local flooding that fell just under the threshold and were statistically-indistinguishable from tide gauges (Moore & Obradovich, 2020). This study showed that social media can be so powerful, it can be used as a way of recording scientific evidence.

The media can be an extremely powerful tool to reach a broad audience of people. The media can be used to portray messages about climate change and educate the people about what is going on in the world. With the use of technology today, online articles and social media have an impact on almost everything. Kathryn from Read NZ said “the media can influence us so heavily” supporting why these activists feel it is important to spread their message online (Carmody, personal communication, 23 January 2020). Social media is also a way for scientists

to analyze the occurrence of natural disasters and events occurring in many places at once, as seen in the study conducted by Nature Communications (Moore & Obradovich, 2020). Global leaders in this environmental justice movement have a tremendous amount of support, such as 17-year-old Greta Thunberg, with over 4 million followers on Twitter, and they can use this to spread messages and information all over the web.

5. Government Enforcement

We looked at past surveys from the Ministry for the Environment to evaluate attitudes towards government enforcement and the direction New Zealand is headed towards in regard to combating environmental issues. This data was collected from 1001 online interviews of New Zealand citizens aged 18 and over. Respondents were sourced from Colmar Bruton's online panel between September 6th-16th of 2018. This data obtained from the study was interpreted and made into the visuals below (Ministry for the Environment, 2018-a).

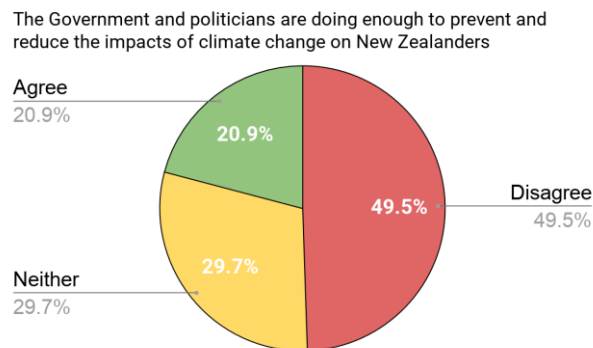


Figure 13: Participants were asked to choose if they agree, disagree or neither to the following statement: “The Government and politicians are doing enough to prevent and reduce the impacts of climate change” (Stead, 2020)

From the survey data above can be seen that 49.5% of participants believe the government is not doing enough to reduce the impacts of climate change meanwhile 20.9% agree they are doing enough and 29.7% do not agree or disagree (Ministry for the Environment, 2018-a).

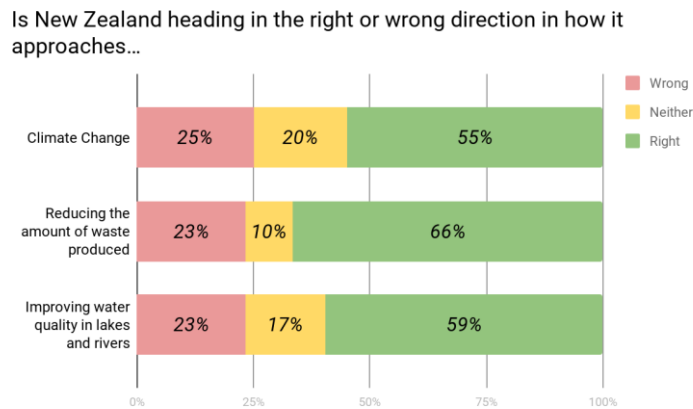


Figure 14: Participants were asked to choose what direction New Zealand is headed in terms of approaching climate change, reducing the amount of waste produced and improving the water quality in lakes and rivers (Stead, 2020)

With these surveys, we are able to gauge what direction participants thought the government is headed in terms of addressing environmental concerns such as climate change, reducing waste, and improving water quality. In regard to climate change specifically, it can be seen that 55% of participants believed that the Government is heading in the right direction while 25% think they are headed in the wrong direction and 20% say neither (Ministry for the Environment, 2018-a).

When comparing the two surveys in Figures 11 and 12, it can be seen that the participants believed that the government is headed in the right direction in approaching climate change but, they are not doing enough. There needs to be a bigger push in law-making and enforcement in the government to fulfill the public's concern that the government is actually doing enough. Laws in place such as the Zero Carbon Law is a way in which the government is approaching the climate crisis in the right direction, but this still makes participants think this is not enough to reduce and prevent its effects in New Zealand. Ecocide would fulfill this need of a push, in which those committing environmental damage would be held accountable.

Many expressed the biggest issue New Zealand faces is the lack of government enforcement. Jessica Desmond expressed that it is “not so much a legislative issue as it is how

that legislative is used or implemented” when it comes to environmental law enforcement (Desmond, personal communication, 28 February 2020). An Extinction Rebellion activist, who would like to remain unnamed, raised the argument of the effectiveness of a Zero Carbon bill saying “[Parliament] just passed the Zero Carbon law, yet they are allowing another gas station to be built down the street.” Many others agreed that although this bill is a great step in the right direction, it is hard to see how exactly you can enforce that.

The New Zealand Fisheries Act 1996 is in place to regulate commercial and noncommercial fishing practices, yet massive fishing industries are still overfishing and destroying coral reefs and other marine life (Fisheries Act 1996, 1996). Sea Shepherd’s managing director, Michael Lawry, stated that his main concern was with the fishing industry because of a lack of following the Fisheries Act 1996. He states there “is not much enforcement being done to stop these companies from high grading or fish dumping” (Lawry, personal communication, 10 February 2020). High grading is selecting only the high-quality fish and fish dumping would be putting the dead lower quality fish back into the ocean, causing a lot of waste (Lawry, personal communication, 10 February 2020). He believes that the New Zealand Government should be held responsible for these fishing crimes since they are supposed to enforce the laws. From this, it is conveyed that Sea Shepherd believes that someone should be held responsible for these actions and that there should be justice for the environment in protecting marine life. An ecocide law would be a way for these laws to be enforced internationally and could influence the New Zealand government to take more action to enforce laws.

In addition, they do not believe that the New Zealand government is acting aggressively to put an immediate end to intentional environmental destruction. Since there is a three-year turn over in Parliament in New Zealand (Constitution Act 1986, 1986), this leads many to believe it is difficult to focus on progress in environmental issues when so many new ideas are being considered so frequently. One young activist, Emma Bright said “it is not an issue all politicians prioritize, which makes it hard to move forward in making an actual change in policy” because they are reelected every three years. Many even lost hopes in reversing the effects of climate change through lawmaking, saying “all we can do is minimize the damage” by living a more environmentally friendly lifestyle (Carmody, personal communication, 23 January 2020).

4.3 Commonalities between the New Zealand Government and Activism

In this section, we will discuss the similar trends we found between the New Zealand Government and groups of concerned citizens, in the context of environmental justice. We touch upon the 2017 environmental case between a Waikato law student, Sarah Thomson, and the Ministry for Climate Change Issues, as an example of the power the public has to hold the government accountable. Our findings from Objectives 1 and 2 were used to make a Venn Diagram of commonalities between these two groups. Using journaling as a technique to record our raw emotions and thoughts throughout, we made connections between the two groups easier. By identifying these similar strategies, it will help our sponsors create a strategy to urge New Zealand to become a supporter for an international crime of ecocide written under the Rome Statute.

1. Case Study on Sarah Thomson's High Court Case against New Zealand Government

June 2017, Sarah Thompson, a law student at the University of Waikato in New Zealand, was the first to sue the Government for failing to set accurate carbon emissions targets in an effort to address climate change (*Thomson v. Ministry of Climate Change Issues*, 2015). Earlier that month, Justice Jillian Mallon was made aware that the New Zealand Government failed to take action in meeting its climate change targets, thus opening the discussion of this matter to be reviewed by the courts (Cann, 2017).

Lawyer Davey Salmon was Sarah Thomson's representative in this case. Salmon accused the Government for relying on "not-yet-invented Star Trek technologies" such as bovine methane vaccines for dairy farms and electric cars (*Thomson v. Ministry of Climate Change Issues*, 2015). The main argument of this accusation was that these technologies did not eliminate the carbon already in the air, using the analogy "[it is like] continuing to smoke in hopes that a cure for cancer would be invented" (Cann, 2017).

Lawyer Salmon's second accusation was at the Minister for the Environment, Paula Bennett, for tailoring greenhouse gas emission goals to be "logical fallacies." As stated by the Paris Agreement, 2 degrees in a rise in temperature is the tipping point, which is not to be surpassed while instead, Bennett made this limit a target to reach. Instead of avoiding a rise in temperature, Bennet made it a goal to reach but not surpass a 2-degree rise. Additionally, the Ministry for the Environment is required to take the most recent information from climate

scientists but, instead made a “blanket decision” not to reevaluate the new 2050 target when NASA climatologist James Hansen and New Zealand climate change expert, Professor James Renwick, released this new information (*Thomson v. Ministry of Climate Change Issues*, 2017).

The third accusation made by Lawyer Salmon was the purchase of foreign carbon credits from overseas countries. He argued that the Government’s hesitation to enforce carbon restrictions on dairy farming resulted in four-fifths emissions reductions being reliant on credits purchased over the sea. Salmon argued that when what they really needed was negative carbon emissions, not the purchase of allowing more (*Thomson v. Ministry of Climate Change Issues*, 2015).

Ultimately, it was debated whether the case was a threat to human rights. Peter Dunn, the New Zealand Government lawyer, argued that without an immediate threat to human life, the case had no warrant to be heard on those terms. In response, Salmon replied “We have had our first climate refugees and there will be more. This is trite, and there are wars already going on in South Sudan, which are being attributed to climate change,” (Cann, 2017).

Although Sarah's case was ruled unsuccessful on November 2nd, 2017, it opened up a huge discussion about the Government handling climate change. Her case lost because there was a turnover in Parliament with a “more ambitious agenda for climate change” before the judgment of her case was released (*Thomson v. Ministry of Climate Change Issues*, 2017). This case was very important in the time of the climate crisis because it opened the eyes of Government officials to the power individuals hold when addressing climate change. “What is really important in a case is its long-lasting effect, the precedent it creates,” said Sarah Thomson (Cann, 2017).

Sarah Thomson’s case was the first of which the general public sued the government for anything to do with climate change. This brought the public together with a common interest to fight against the government for downplaying the effects of climate change. This event made the topic of the environment a priority for the government to consider because now the public was not afraid of calling them out for it. It also exposed the government for ignoring this important fact which affects nations worldwide. It exposed the government for turning away these climate facts and rather looking at the economic benefit which was in turn not following the Paris Agreement. After this case, it created a platform or influence for the public to follow Sarah’s footsteps in defending climate change and protecting the environment. It is also interesting to

note that since this case, the government did begin a more ambitious agenda for addressing climate change, such as adopting the Zero Carbon Bill and James Shaw creating the Climate Change Commission. From this case it can be concluded the people are willing to fight the government on environmental issues, one potential future one being the push for ecocide as a law.

2. Common Trends between the Government and Concerned Citizens

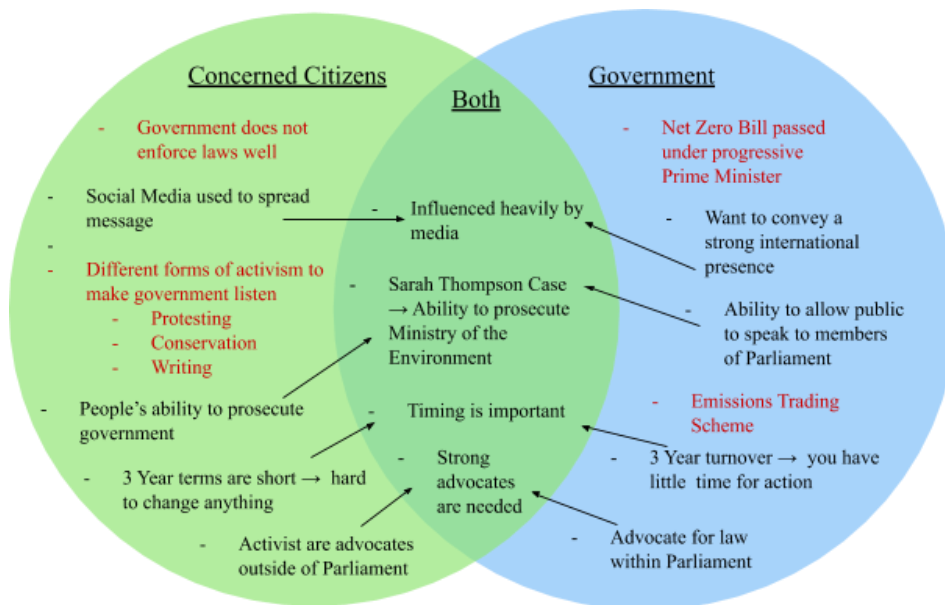


Figure 15: Venn Diagram on Concerned Citizens and Government (Biederman, 2020)

Within the Venn Diagram, shown in Figure 13, we found common trends between concerned citizens and the New Zealand Government. From this chart it shows there are many similarities between the two groups however, they may stem from different reasons. Many of these findings were through our journals and finding the connections through many different conversations.

a. Media Influence

Both groups are strongly influenced by the media however, they use it to promote different messages of environmental issues. Concerned citizens can use the media to learn about events on the topic of climate change all over the world and can become educated about the facts behind it all. The media gives them an outlet to express their opinion about what they care for, such as writing opinionated articles like Lynley Tulloch and the use of Twitter or other social media pages like Kate Jensen. For activist groups, the media is used to spread awareness for the

necessity of environmental justice and gain support for movements, as seen by the #FridaysforFuture movement in New Zealand. When the activist groups about climate change, the general public takes in that media and is able to see the atrocities of climate change and spread that message even further. In comparison, the New Zealand Government has been in the media as a global leader for addressing climate change and this created a huge international praise for New Zealand's efforts. For example, the passing of the Zero Carbon Amendment hit worldwide headlines such as The Guardian and praised New Zealand for "a landmark climate legislation with historic cross-party support" (Roy, 2019). This is also shown through Jacinda Ardern's front cover spot in Time's magazine. From this publicity, she has the world's attention and wants to portray New Zealand in a positive light.

Media needs to be used to spread the word ecocide to help people be better informed of this term. The media can reach a range of populations depending where or who it is posted by. For example, Time magazine will reach a global audience, therefore an influential political leader such as 25-year-old Chlöe Charlotte Swarbrick, a climate change advocate and Parliament member of the Green Party, who would be an effective spokesperson for ecocide. On a smaller scale, the New Zealand Herald would target specifically Kiwi's therefore someone within the general public with passion to change, such ecologist and environmental advocate Mike Joy, would serve as an effective spokesperson. Common phrases changed from greenhouse effect to climate change and climate emergency and we believe ecocide should be the next term within this trend. (D. Glick, Personal Communication, February 20, 2020). Therefore, in order for concerned citizens or Members of Parliament to start using the term ecocide, it needs to be one of the first words people think of when it comes to talking about the climate crisis and media is the pathway for this. Since the government is also heavily influenced by how they look to the rest of the world, they will feel an obligation to come in to be a leader in combating something they strongly care about, climate change.

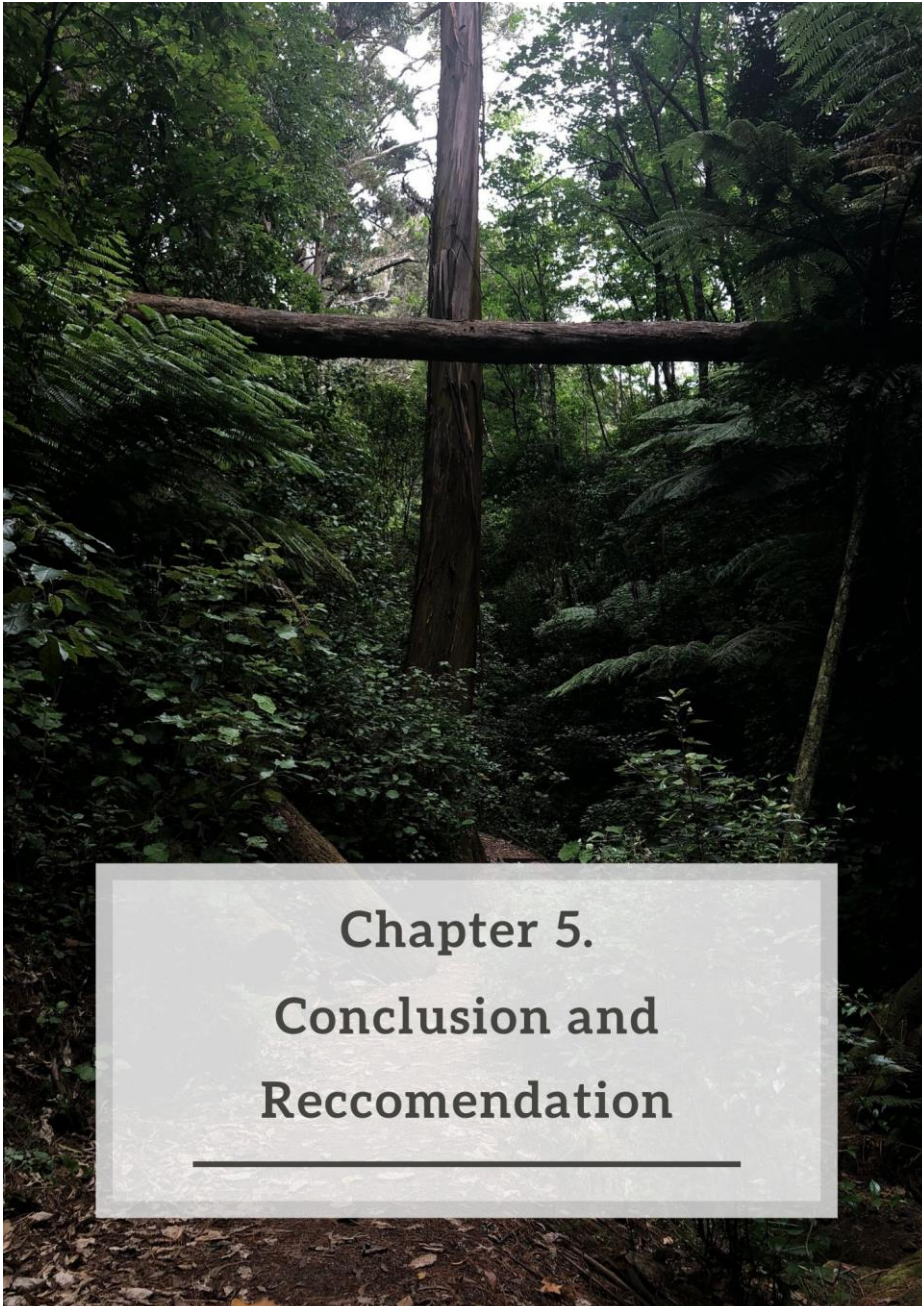
b. Positions and Timing within Parliament

Parliament's three-year turnover in leadership came up in conversation amongst the two sides. The concerned citizens saw that there was a lack of government enforcement because of the constant rotating of politicians and their changing ideas. Similarly, Kennedy Graham and Professor Bjørn-Oliver stated they felt it made strategy very important when planning when to

bring up ecocide as an international law. People on the outside of Parliament feel that the 3-year turnover makes people feel like nothing is able to get accomplished, and if it does, it is over a long period of time. Although nothing can be done to change this process, it makes timing very important. Tanya Prince, member of the Read New Zealand Team, thinks that the “government is not taking a long enough view of their policies” because of the cycle is only 3 years (Prince, personal communication, 23 January 2020). This is why timing is everything when it comes to placing a radical topic into parliament.

When advocating for the crimes of aggression, Graham was one person in Parliament strongly supporting this issue. Although it did not pass, he is still pushing for this to become a domestic law, by submitting proposals to parliament when he can. Even having just one voice in Parliament to advocate for ecocide would be helpful because it gets the message in directly and instantly. By bringing it up in discussion, it will make Parliament consider it and generally become aware of ecocide. Having this one person to advocate for ecocide is important, but also ensuring the seats of Parliament are filled with progressive, bold, and ambitious representatives is also essential to gain support. These members need to have acknowledged they believe climate change is a serious issue. This shows the most promising time ecocide could be ratified by New Zealand. These actions of inserting ecocide into a discussion needs to be pushed at the initial turnover of leadership when there are new representatives in Parliament. This will allow for longer consideration and conversation if brought up at the start of the three-year term. In comparison, activists are also seen as showing a different opinion since they are trying to make a change. If these groups work together, they can also help spread the message of ecocide to their different audiences and draw more attention to the issue.

In addition, activists need to understand the term ecocide in further depth and know the exact principles of what the law of ecocide would entail, which were findings from journaling and informal discussions. Before acting within Parliament, the general public needs to be more informed on ecocide as a law under ICC jurisdiction. Since many concerned citizens believe there is not strong law enforcement, a deeper understanding of the ICC and the potential for an international ecocide law may reassure concerned citizens that there is a way to get justice.



Chapter 5.
Conclusion and
Reccomendation

Chapter 5: Conclusions and Recommendations

5.1 Conclusion

The goal of this project was to provide our sponsor, Island Reach, with initial research relating to the common interests and strategies between concerned citizens and the New Zealand Government. This will help our sponsors create a strategy to urge New Zealand to become a supporter of an international crime of ecocide written under the Rome Statute. Throughout this study, we used ethnographic approaches such as participant observation, journaling, and informal discussions to observe and understand people in their real-life interactions. We explored different viewpoints and opinions among concerned citizens, activists, environmental law professors, and government officials to understand their outlook on environmental justice and the potential of an international ecocide law. By talking to members of the public, our thoughts were centered around gauging the potential of an ecocide movement based on their responses. Government officials and environmental law professors gave us a legal standpoint on environmental justice and their opinions on New Zealand's stance on international law, such as ecocide. We then took our qualitative data from each type of group and identified similar relationships among our findings were between the government and concerned citizens. This allowed us to evaluate how the two groups can work together to further an ecocide movement in New Zealand.

When taking the governmental approach, we found two relevant cases within Parliament, the Climate Change Act 2002 and the Climate Change (Zero Carbon) Amendment Act. By studying these laws, we saw environmental issues were often brought up and addressed in Parliament but, we found that a three year turn over in leadership made it hard for these laws to be passed quickly. Since New Zealand has been praised for being a global leader in addressing climate change, their likeness to support an international ecocide law could be higher to keep this image and reputation of being a good global citizen. From speaking with former Member of Parliament, Kennedy Graham, we found that topics need to be continuously introduced into Parliament conversation in order to gain traction of the potential to pass a law.

We found many different concerns among the general public, mostly being pollution of industries, illegal fishing, and carbon emissions. We spoke with climate activists' groups who protest for a change in policy to better address the climate emergency and to gain supporters. While most activists we spoke to would support an international ecocide law, we found that

members of the general public may not understand the urgency of climate change and how this is an issue happening in the world now. However, we also found that when approached with the term ecocide, many were not aware of the term and needed to be educated more on international law. Through participant observation, we found that different types of activism for the environment work together for environmental justice to be heard. We found that citizens believe there is a lack of government enforcement for environmental laws, such as addressing illegal overfishing. We found that the media can be a powerful tool for spreading awareness of environmental issues and it creates a strong influence. The media can be used as a platform to spread awareness of the ecocide movement and educate those unaware of the term.

Through our findings from a general citizens stance and a governmental stance, we identified the following connections between similar topics:

- The media can be used as a strong influence
- Timing in politics is everything
- Persistency and passion can change

By identifying these similarities, we are able to conclude that a strong international media influence from a global leader is a gateway to begin the conversation about ecocide as international law. This will give information for activists and concerned citizens to share to make others aware and educated on the term, while also gaining government attention through a global leader. Although there are many concerned people from both sides, Parliament and the government have the final say in New Zealand's official support of ecocide. Since New Zealand wants to be seen as a global citizen, it may better address this term when it comes to the global public and even more when it is brought up in the ICC. Finding a politician who will fight for the ecocide movement within Parliament will be strongly beneficial as a way of beginning an ongoing discussion on a crime of ecocide. We found that there will need to be a strategy centered around the specific timing of an ecocide discussion in Parliament, to ensure a progressive and environmentally passionate Prime Minister. There is still no guarantee whether New Zealand will be able to ratify an international ecocide law, but we have found that when there is more pressure, either within Parliament discussion or the public media, the government is more likely to follow a movement.

5.2 Recommendations

Our project provides our sponsors with initial research relating to the common interests and strategies between concerned citizens and the New Zealand Government. This will help our sponsors create a strategy to urge New Zealand to become a supporter of an international crime of ecocide written under the Rome Statute. While we constructed the initial framework to gauge awareness about ecocide, we realized there is much to be done in terms of determining the feasibility of New Zealand, as a whole, becoming a supporter of an international ecocide law. Below are our recommendations:

1. Explore opposing viewpoints

We recommend talking to opposing viewpoints, to understand the stakeholders that would have a negative impact on the future of an ecocide law. Since we focused on stakeholders that have a positive perception of the ecocide law, we were not able to cover this perspective within our scope. However, there are other sides of the spectrum that would disagree completely. We looked into various stakeholders in our background that would oppose the addition of ecocide however, we did not get first-hand information from any mass industries committing ecological damage as this was not in the scope of our project. It would be interesting to explore certain competitors, such as oil and gas companies in New Zealand like OMV, in order to understand their opposing viewpoints. It would be interesting to see if these companies are working to reduce their effects on climate change or if they are undeniable against it. Since these stakeholders have a strong effect on the economy and environment of New Zealand, this is a perspective that should be further investigated in New Zealand.

2. “Ecocide” within all platforms of Media

We recommend spreading the term ecocide throughout social media platforms such as Twitter, Facebook, Instagram, Snapchat, and YouTube. Through daily advertisements, informational videos, and educational flyers, the term ecocide would be spread throughout the general public of New Zealand quickly. Since we found that most people did not know the term ecocide but found social media plays a huge role in spreading the message of environmental justice, we believe posts could increase ecocide awareness. This could eventually be used as a term when describing a solution to hold those accountable for environmental destruction.

Additionally, spreading the term ecocide would create new campaigns, such as the Stop Ecocide movement, for activists in New Zealand to use while protesting the Parliament house. Overall, we believe the media would be a great place to begin when educating the public about the term ecocide, especially from an international leader of this movement. By having an international leader, such as Greta Thunberg, bring the term ecocide to everyone's attention, it will allow the activists to follow and grab Parliament's attention.

3. Ecocide Law Representative in Parliament

We recommend that there should be a representative within Parliament already supporting the ecocide law and this should be done at the turnover in Parliament with a progressive Prime Minister. This will allow conversation in Parliament before the law is introduced and create a movement within Parliament to support the international ecocide law. This will allow more time for the ecocide law to be talked about before the law is introduced to the ICC. Since Parliament takes a while to accomplish things, there can further push for an international ecocide law to be passed. This could also help prevent something that happened with the crimes of aggression, in which they did not ratify because there were not enough domestic laws. We recommend someone from the Green Party since they have more radical ideas on environmental justice. Someone, in particular, is the Minister of Climate Change James Shaw, who has already mentioned the term ecocide in his Maiden Speech and could lead to a gateway into an ecocide conversation (New Zealand Parliament, 2020-b).

4. Activist Support

We recommend reaching out to activist groups such as Extinction Rebellion New Zealand, Greenpeace New Zealand, Sea Shepherd New Zealand, and a writer named Lynley Tulloch. Extinction Rebellion and Lynley Tulloch showed a special interest in an international ecocide law. We went to Fridays for Future events that many members from Extinction Rebellion go to. There are a lot of people there that would love to get more informed about the ecocide as international law. We talked to Tulloch when she was in Tonga, a Pacific Island country, where she was there helping with damages done by climate change. She loved the idea of an international ecocide law.

5. Other IQP sites

Overall, we believe that this project does not just need to be done in New Zealand, so we recommend our project to be done in other countries that are signed onto the ICC. There are more than 120 other countries that are signed onto the ICC that have a say on whether ecocide can become a law or not. The goal of our project does not only apply to New Zealand, and the environmental opinions of different stakeholders within culture, activism, and law can definitely be used elsewhere. In order for the ICC to pass ecocide, there needs to be $\frac{2}{3}$ vote, which means there is a lot more work to be done around the world for an ecocide law to pass. This could be done with a similar approach that we took, by looking at different stakeholder groups that show the power and could create an ecocide movement. We believe that it would be helpful for our sponsors to see where other countries signed onto the ICC stand on ecocide, helping plan ahead for the future of the international ecocide law.

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Appendices

Appendix A: Sample Consent form

Hi _____. We appreciate your participation in our research, as you are a key interview for us. Through this interview, we hope to spread awareness of your message and share your unique story.

We will be audio recording this interview as part of our project to assess perceptions of New Zealanders on the concept of ecocide.

The recording will be transcribed and only used internally. We may include some of your quotes in our final report.

[with the recorder rolling]:

By appearing on audio, you are consenting to the use of your quotes for the purpose of our project which will be published on the WPI website.

If you consent to this, please say and spell your name and your title (if applicable)

[person states name, etc. Then YOU say]:

We are here on [say date] to talk about [insert topic].

Interview Questions

Appendix B: Read New Zealand Questions

1. Are you a New Zealand citizen?
2. Are you registered to vote in New Zealand?
3. Do you associate yourself with a political party? If so, which one?
4. Tell us about any recent events or personal experiences that have impacted your outlook on climate change.
5. Do you try to find ways to help the environment? If so, what are they?
6. How do you perceive environmental change on a global scale? How do you think
7. Are you aware of / have you heard of the term ecocide?
8. What do you think ecocide means generally? Specifically, towards your life?
Tell them our definition - widespread and systematic attack on the environment

“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” What is your “impression” of ecocide when you hear the word

9. Explain why you would or would not support an ecocide movement.
10. Would you support adding ecocide as a crime against peace to the Rome Statute?
(Define Rome statute here-- *The Rome Statute is a multilateral treaty that outlines specific international laws: Genocide, war crimes, Crimes against humanity, crimes of aggression*)
Would you support adding ecocide as an international crime?
2/3 of members of the ICC must sign off on an ecocide law in order to pass it
11. Do you believe the Government and politicians are doing enough to prevent and reduce the impacts of climate change on New Zealanders? Do you think they are thinking on a global scale? Please explain what you think they are doing right and/or wrong.
12. Are you part of any environmental organizations? If so, which ones? (lead into asking if they have any more contacts)
13. Is there anything else we should be asking about ecocide? Is there anything else you would like to say?

Appendix C: Lynley Tulloch- Writer on Ecological Destruction

1. We were interested in your articles about the environment such as “ecological grief, Ecocide and the Australian bushfires”. Do you always write about environmental issues such as animal rights and climate change?
 - a. What made you start to write about the environment? Is this something that you would consider to be passionate about?
2. What type of audience are your articles geared towards? Did you want government officials to see them? Fellow activists?
3. Tell us any recent events, in relation to environmental change/climate crisis/natural disasters that have made you change your outlook or make your ideas stronger?
4. Do you try to find ways in your daily life to help to help the environment? If so, what are they?
5. What are your biggest concerns about the current state of the environment?
6. Do you think someone should be held accountable for “whatever she has cared about”? or the wide-spread destruction of the environment? If so, who and how?
7. Is this something you would like to see in the future? Such as a law in place?
8. Do you believe the government officials are doing enough to work towards this?
 - a. In your article ecological loss, you mention that the government officials are blaming the “Greenies”? Being an activist how does this make you feel? Do you think they can justify that claim?
9. Where did you first hear about the term ecocide?
10. Is there anything else you would like to share with us? Or anything you think we should be asking people in the future?
11. Is there anyone else that you would be able to help us get in contact with? If so, do you have their number or email that you would be able to share with us?

Appendix D: Michael Lawry- Sea Shepherd Interview Questions

1. We noticed that you have a background in Psychology and Computer Science, so we are interested in understanding what drove your interest and involvement in the Sea Shepherd?
2. What responsibilities come with being the National Co-coordinator of Sea Shepherd (Auckland, NZ)?
3. Tell us about the mission statement of Sea Shepherd in relation to environmental justice.
4. Who / what is Sea Shepherds' greatest opposition? What challenges does this individual / organization pose for Sea Shepherd?
5. Who do you think should be held responsible for conserving marine ecosystems?
6. Do you think they are held responsible for destroying marine ecosystems?
7. How do you think global polluters impact your organization? (i.e. fossil fuel companies, oil spills, ocean pollution)
8. What do you know about the term "ecocide"?
9. Sea Shepherd is an organization "whose mission is to end the destruction of habitat and slaughter of wildlife in the world's oceans in order to conserve and protect ecosystems and species." Do you see any correlations between the destruction of the marine ecosystem and ecocide?
10. How would an international ecocide law help or hinder your activist group's mission?
11. Do you see a correlation between Sea Shepherd's mission and an ecocide movement?
12. Would you and your group support ecocide becoming a law?
13. Is there anything we should be asking? missed or is there anything else you'd like to let us know about Sea Shepherd or conserving marine ecosystems?
14. Is there anyone you know who would like to talk to us?

Appendix E: Extinction Rebellion Interview Questions

1. Tell us a little bit about your involvement in Extinction Rebellion and activism. Why did you join XR and how long have you been a part of XR?
2. How does the public react to XR?
3. What are some of your biggest concerns regarding the environment? What are some things that have happened recently that were find of a wakeup call for you to begin caring for the environment?
 - a. Destruction/Conservation?
 - b. Government enforcement?
4. Do you see there are enough laws in place and that they are being enforced?
5. Should anyone be held accountable for this?
6. Should there be any punishment? If yes, who should it be?
7. To what extent should one get in trouble?
8. Would XR support an ecocide movement?
9. Do you think any other groups would be willing to join?
10. Do you think anyone would be strongly opposed?
11. How does social media help and hinder your message?
12. Do you think social media is doing enough to convey a message?

Appendix F: Millan Ruka Interview Questions

1. How did you get involved in environmental activism?

2. “We saw on the Environment River Patrol website you mentioned kaitiaki of eels and rivers” Has Maori culture influenced your views on nature? What beliefs motivate you to do this kind of activism?
3. Are you aware of how climate change is affecting the Maori community? How?
4. Do you think, if anyone, should be held accountable for environmental damage, such as water pollution?
5. Do you believe the NZ government has enough measures in place to tackle the consequences of farming on the environment, such as manure entering the waterways, methane gas? Do you believe the issue is enforcement?
6. Do you believe the NZ government does enough to conserve and protect the environment?
7. Are you aware of the term ecocide? [Ecocide is defined as the widespread systematic attack on the environment.] Do you think New Zealand as a whole would support an ecocide law? Do you think the Maori community would support an ecocide law?
8. Do you think an ecocide law could help your mission?

Appendix G: Questions for Law Professors

1. We have been looking a lot into the Net Zero Carbon Bill, do you believe that with this law New Zealand is in the right direction to mitigating climate change?
 - a. How does the government enforce the Zero Carbon bill? There has been controversy that there’s no way of actually enforcing this law and people have called it “a bark with no bite”.
 - b. Has the government made a strong effort to enforce this law as of now or the plans for the future?
2. Do you think parliament does enough in terms of environmental law enforcement? What are some setbacks (economic, political, etc.)
3. We have had many people say they feel the government does not enforce certain environmental laws, why would they think the government does not enforce these issues?
4. What pressures do you see on the government in creating environmental policy? Are any of these pressures from activism, media, or Global influence?
5. We saw that you have a background in public international law, have you ever worked with anything involving the ICC?
 - a. What have they been?
 - b. What do you think New Zealand's relationship with the ICC is? Are they willing to give power to a foreign entity?
6. Are you aware of the term ecocide?
7. Do you agree/ support the term ecocide from a legal standpoint?
8. Do you think New Zealand would want to support an international ecocide law? And do you think it would pass at parliament?
 - a. why or why not?

Appendix H: Questions for Kennedy Graham

1. We saw you on the stop ecocide website and read your testimonial about ecocide. How has the EDI (ecological defense integrity) shaped your ideas about environmental justice and ecocide?

2. Being an advocate for environmental justice do you think activists make a change towards government policy? Can you see any similarities between these two groups?
3. What pressures do you see on the government in creating environmental policy? Are any of these pressures from activism, media, or Global influence?
4. We have been looking a lot into the Net Zero Carbon Bill, do you believe that with this law New Zealand is in the right direction to mitigating climate change?
5. Do you think parliament does enough in terms of environmental law enforcement? What are some setbacks (economic, political, etc.)
 - a. We have had many people say they feel the government does not enforce certain environmental laws, why would they think the government does not enforce these issues?
6. Do you know anything about New Zealand's existing relationship with the ICC? How do they feel about giving power to a foreign entity
7. Do you think New Zealand would want to support an international ecocide law? And do you think it would pass at parliament? why or why not? Can you name any groups or populations in particular?
 - a. Would the Green Party support an international ecocide law?
8. Has ecocide ever been brought up in Parliament before? If so, what were some responses? Who were the supporters and who were the deniers?
9. If the International Criminal Court drafted an ecocide law, do you believe New Zealand would be a potential supporter of this? Why or why not?
10. Is there anyone else you can get us in contact with?

Appendix I: Questions for Jessica Desmond from Greenpeace

1. Tell us a little bit about your involvement in Greenpeace and activism. Why did you join Greenpeace and how long have you been a part of Greenpeace?
2. Why did you become part of the ocean's team with Greenpeace? Were there some things that have happened recently or in the past that you found to be a wake-up call for you to take action?
3. How has the media helped portray messages about what Greenpeace does?
 - a. Who makes the media/what kind of things influence different commercials?
 - b. Has it helped Greenpeace's message? Do you think it gains supporters? Is this a powerful tool you have seen that gains supporters to Greenpeace?
4. Do you see there are enough laws in place and that they are being enforced to protect the ocean and other ecosystems?
 - a. An example?
5. What about internationally? For example, what about when countries pollute into the ocean and it floats to different regions or fish in international waters, do you think enough people are being held responsible for their actions (why or why not)?
 - a. Do you see a way of punishing or holding people accountable on an international scale?
6. Do you believe that there should be punishment for these people who have committed mass destruction?
7. Are you aware of / have you heard of the term ecocide?
 - a. If not:

Tell them our definition - widespread and systematic attack on the environment
“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” What is your “impression” of ecocide when you hear the word?

8. Explain why you would or would not support an ecocide movement?

9. Would you support adding ecocide as a crime against peace to the Rome Statute?

(Define Rome statute here-- The Rome Statute is a multilateral treaty that outlines specific international laws: Genocide, war crimes, Crimes against humanity, crimes of aggression)
Would you support adding ecocide as an international crime?

2/3 of members of the ICC must sign off on an ecocide law in order to pass it

10. Is there anything else we should be asking about ecocide? Is there anything else you

11. Do you have any other contacts that you can provide us with?

Appendix J: Questions for Stasi Turnbull from Zealandia

1. Do you think the effects of climate change are going to disrupt Zealandia goals of conservation and restoration of biodiversity?

2. Students working at Zealandia mentioned that it is carbon-free, why did Zealandia decide to take this step and how do they make this work? Who and when did this happen?

a. Are there any setbacks/ advantages (other than publicity and saving the environment) in doing this?

3. Do you see this action (becoming zero carbon) spreading to other environmental organizations? Would you want other companies trying to restore biodiversity to follow?

4. Other than zero carbon and helping restore the wildlife does Zealandia do other things to actively help the environment? If so, what are they?

5. Has the government helped funded or influenced Zealandia for any of these activities?

a. Who has influenced?

6. How do you perceive environmental change/justice on a global scale? How do you think environmental change, if there is any, can affect the world? Positive or negative?

7. Are you aware of / have you heard of the term ecocide?

8. What do you think ecocide means generally? Specifically, towards your life?

Tell them our definition - widespread and systematic attack on the environment
“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” What is your “impression” of ecocide when you hear the word?

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(Define Rome statute here-- The Rome Statute is a multilateral treaty that outlines specific international laws: Genocide, war crimes, Crimes against humanity, crimes of aggression)
Would you support adding ecocide as an international crime?

2/3 of members of the ICC must sign off on an ecocide law in order to pass it

11. Do you believe the Government and politicians are doing enough to prevent and reduce the impacts of climate change on New Zealanders? Do you think they are thinking on a global scale? Please explain what you think they are doing right and/or wrong.
12. Would a company like Zealandia support an ecocide movement?
13. Are you part of any environmental organizations? If so, which ones? (lead into asking if they have any more contacts)
14. Is there anything else we should be asking about ecocide? Is there anything else you would like to say?
15. Do you have any other contacts that you can provide us with?