

FOREWORD

This volume marks the 25th year of publication of the NZJEL. It is also a year of change for the Journal with David Grinlinton taking over from Dr Kenneth Palmer as the General Editor. At such a milestone it is appropriate to take stock of the achievements of the Journal to date. First, and most importantly, the tireless and selfless contribution that Dr Kenneth Palmer has made in founding, editing and managing the annual production of the Journal for a quarter-century is gratefully acknowledged. This has often been a challenging task including securing funding, maintaining high academic standards, and meeting publication deadlines. Thank you Ken.

The aspirations for the Journal were set out in the Foreword to volume 1 (October 1997) and included the following:

... [I]t is expected that the journal will attract material of the highest academic excellence, and also writing relating to government practices and local policy ambitions. The journal is aimed at a wide community of readers. It is hoped that the writings may have a positive influence on the enhancement of the natural environment through the policy and plan decision and consent processes.

This has been achieved in full measure. In its first 25 years the NZJEL has published almost 8,000 pages comprising over 250 substantial articles, comments, case notes, legislation notes and book reviews on a wide variety of topical issues spanning the broad fields of environmental and resource management law. These contributions have come from leading academics, members of the judiciary, barristers and legal practitioners, other professionals, and students — many of whom have gone on to stellar careers in the law. The contributions have not only focused on New Zealand, but also embraced international developments and challenges such as climate change and ecologically sustainable development.

This issue includes some changes, including — in addition to the longer academic articles — some shorter commentary on current issues, recent case law and proposed legislative reform. The Journal is also now available as an electronically readable PDF file at a significantly reduced cost (NZ\$40.00) from the hard copy subscription.

In 2021 the Covid-19 pandemic continued to cause disruption and challenges in every walk of life and in every corner of the globe. There have been unique environmental challenges, including new forms of environmental pollution from the various types of waste and protective equipment used to combat the virus, the wide-scale use of many types of sterilisation and cleaning materials, and the repurposing of buildings and/or construction with urgency on a large scale for quarantine facilities in many places. The emergence of the

virus itself reflects to some extent the environmental consequences of human population growth and closer interactions of humans with wild animals and other species. On the other hand, limitations on international and local travel, the increased use of electronic communication, and working from home have reduced transport emissions in many parts of the world. The legal and policy implications of these changes will provide grist to the mill for significant research and writing in many fields, including environmental and resource management law and policy. At a broader level, the economic, supply chain and travel disruptions that we have experienced provide something of a “snapshot” or “early warning” of the types of disruptions humanity will face globally unless climate change is addressed as a matter of urgency.

This issue includes an excellent range of discussion and analysis on a number of important and topical issues. In the lead article Prue Taylor has annotated and updated a seminal piece by the late Staffan Westerlund that explores the methodology of environmental law and how to achieve and maintain ecological sustainability. In a similar vein, the following article by Trevor Daya-Winterbottom examines the opportunities, with the resource management law reform process, to examine and reimagine the legal principles guiding environmental decision-making in New Zealand.

Climate change issues are the focus of three articles in this issue. With around 50 per cent of our GHG emissions coming from agriculture in New Zealand, Kierra Parker’s article addresses this important issue, examining the use of stricter regulatory approaches to specifically target agricultural methane emissions. Henry Sullivan’s article examines the idea of pricing agricultural emissions according to “responsive regulatory theory”. The third contribution, by Guy C Charlton, examines the deforestation in 19th-century Australia, Canada, New Zealand and the United States, and opposition to the importance of scientific forest management, and draws some lessons for the current challenges of climate change.

This volume also has two articles focusing on indigenous peoples’ rights and issues. In an interesting comparative study Sofie Van Canegem examines indigenous peoples’ rights in New Zealand, Canada and Norway in the context of renewable energy development. Focusing primarily on the New Zealand context, Pia Jane Domingo Puertollano’s article examines the challenges and proposes some solutions to improve and accelerate the process for repatriation of Māori cultural property and taonga that is currently overseas back to New Zealand.

In another comparative piece Emma Hodder examines the use of legal rights for nature, including bestowing legal personality on resources such as rivers, and how such approaches may be incorporated into international law to better protect transboundary freshwater resources.

Shorter commentary includes Cristin Jamieson’s call for an international

treaty on plastic pollution and Stephen Knight-Lenihan's examination of the importance of biophysical limits in the context of the resource management law reform process. Finally, Elizabeth Macpherson, Jill Banwell, Robert Makgill and Adrienne Paul provide an excellent analysis of the recent Supreme Court decision on seabed mining in *Trans-Tasman Resources v Taranaki-Whanganui Conservation Board* [2021] NZSC 127.

The task of putting together the Journal relies heavily on the contributions of many people. We are, of course, very grateful for the authors who have contributed articles that are thorough, probing and scholarly, and provide valuable contributions to the environmental debates and challenges facing us today. The collegiality of colleagues in the New Zealand Centre for Environmental Law, and around New Zealand, who referee articles and provide other advice and support is greatly appreciated. The professional editing skills of Mike Wagg, and work on the electronic copy provided by Amy Tansell of Words Alive, are also gratefully acknowledged, as is the support of the professional staff at the Auckland Law School. Finally, the financial support from Sir David Williams QC that supports continuing publication in both hard copy and electronically is gratefully acknowledged.

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