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## LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

- **"Permitting Poison: Pesticide Regulation in Aotearoa New Zealand"**   
(2018) 35 EPLJ 456-490  
*Victoria University of Wellington Legal Research Paper No. 33/2021*

**CATHERINE J. IORNS MAGALLANES**, Victoria University of Wellington - Faculty of Law  
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This article discusses aspects of the New Zealand regulation of pesticides, in the light of current concerns about global losses of biodiversity. It first briefly outlines current pesticide testing and concerns with pesticide risk assessment. Part II addresses the New Zealand pesticide laws, including a brief history of New Zealand pesticide regulation in order to provide some perspective for the following description of the current Hazardous Substances and New Organisms Act 1996 (NZ). Two case studies are provided: the regulation of neonicotinoids and chlorpyrifos. Part III discusses two key areas for improvement: the role of precaution and alternative frameworks for pesticide regulation, most notably ecosystem-based management and true ecological sustainability. It concludes that the current model of integrated management from the 1990s is now outdated. Pesticide regulation in New Zealand needs to consider a wider range of effects of pesticides on human health and the environment, be more precautionary in order to better avoid adverse effects, and take greater account of Māori values and interests. Overall, the wider role of pesticide regulation as part of the management of global biodiversity needs to be acknowledged, with it forming part of a global move to stem the loss of biodiversity worldwide.

**"From Rights to Responsibilities using Legal Personhood and Guardianship for Rivers"**   
*in ResponsAbility: Law and Governance for Living Well with the Earth, B Martin, L Te Aho, M Humphries-Kil (eds) (Routledge, London & New York, 2019), pp 216-239*  
*Victoria University of Wellington Legal Research Paper No. 34/2021*

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This chapter surveys a range of examples whereby rivers have been given legal personality or similar rights, seemingly in an effort to uphold human responsibility to better protect them from degradation. The examples are first drawn from the United States of America, where nature has been given a range of rights, in order to illustrate key rights of nature arguments. Then four examples of rivers in different countries are addressed: the Vilcabamba River in Ecuador, the Whanganui River in Aotearoa New Zealand, the Ganges River in India, and the Atrato River in Columbia. Two of these examples emphasise the rights of the rivers and two emphasise duties and responsibilities, while three of them create a separate legal personality for the river. The tools used to protect each of these rivers are slightly different from each other and they illustrate interesting comparisons and likely lessons, even though they are still very new.

A key lesson from this difference is that rights – including rights for nature – are useful tools, but also, that collective responsibility may be even more useful. All of the examples in this paper can help our societies and their legal systems evolve to protect nature more effectively and engender a greater appreciation of its importance. But explicit frameworks and tools of collective responsibility may provide a clearer path to the paradigm shift that is necessary to better respect humans' role within nature and ecosystems within which we live. Any framework or tool chosen needs to support a paradigm of collective responsibility and should be carefully designed and worded so as not to obscure or distract from that.

**"Māori Co-Governance and/or Co-Management of Nature and Environmental Resources"**   
*Waking the Taniwha: Māori Governance in the 21st Century, R Joseph & R Benton (eds) (Thompson Reuters, in press; forthcoming 2021)*  
*Victoria University of Wellington Legal Research Paper No. 35/2021*

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An effective way to increase Indigenous participation in decision-making over territories and natural resources has been to create mechanisms for shared or joint decision-making with other bodies. This chapter addresses the co-governance and/or co-management of territories and natural resources in Aotearoa New Zealand. It first addresses the concept of co-management: history, background, definitions and typologies. It lists a range of examples of co-governance and/or co-management arrangements between Māori and local, regional and/or central government. This is not designed to be a critical analysis but more a survey and an introduction, as befitting a textbook, to put such arrangements in perspective by providing a rudimentary framework for their analysis. To this end it provides a list of factors that have been determined by others to be indicators of successful co-governance and/or co-management arrangements, and a list of lessons for devising co-governance and co-management arrangements. It discusses some examples of individual arrangements, and provides a table summarising co-management arrangements in Aotearoa New Zealand.

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The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law

Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

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