

# Benefits of environmental law



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**Introduction**

Dating back to 1970's the concept of environment and resource management in New Zealand has gradually developed to adjust to internationally addressed environmental issues first recognised by the World Summit held in Stockholm in 1972 when the need to protect the environment was acknowledged by the political world (Study Guide 1: Resource Management and Environmental Law).

For a long period of time and especially in the last three decades, conservation issues have been on the political agenda in New Zealand. During this time, conservationists successfully brought issues to the attention of governments and had policies and institutions introduced or changed to meet their demands (Buhrs and Barlett 1993).

**International influence**

The local thinking on the need to improve environmental management was influenced following an audit of New Zealand's environmental management by the OECD in 1980. (Williams, 1997 cited in ENV 103 – Resource Management and Environmental Law, Part 1)

New Zealand is nationally and internationally regarded as a clean and green country due to the large areas of the country being relatively untouched and more than twenty per cent of the land being still under native bush. Having a population of only 3.5 million, the country is seen as sparsely populated and pollution problems are regarded as minor comparing to other, more industrialised countries of the world. (Buhrs & Bartlett, 1993)

Buhrs & Bartlett (1993) stated that New Zealand is able to prevent the environmental problems from emerging by learning from other countries experiences.

Even though there have been improvements in some areas such as nature conservation, in other aspect New Zealand environmental policy has been slow comparing to other western countries (Buhrs & Bartlett, 1993).

### **Political and law reform in New Zealand**

Starting with The Town and Country Planning Act (TCPA) being passed by Parliament In 1977, political and law reform in New Zealand has regulated the use of land enforcing the need for permission for any activities through local government. The TCPA was concerned with economics and economical development within New Zealand being directed mainly at zoning (Study Guide 1: Resource Management and Environmental Law).

One of the first documents identifying how the key ideas underlying the concept of sustainable development could be applied in New Zealand, ' The Integrated conservation and development: A Proposal for a New Zealand Conservation Strategy was prepared by The Nature conservation council in 1981 (Study Guide 1: Resource Management and Environmental Law).

Starting with The New Zealand Physical and Environmental Conference recommending the establishment of an Environmental Council, New Zealand has addressed the concerns that environmental costs were often overlooked during economic development (Study Guide 1: Resource Management and Environmental Law).

### **Benefits of Environmental Law for New Zealanders**

The clean and green image that New Zealand has managed to project to the world for such a long time is a very important part of the country's international image and has been sustained due to the country's ability to protect its natural heritage and local unique fauna and flora. Every person wants a clean environment in which to live and leave for future generations. The New Zealander's environment

is as much part of the country's image as its own history and culture. The clean environment it is as equally important for people as individuals as it is for the standard of life. The influences in the development of environmental law in New Zealand have been as much internal as external even though the environmental issues have been in the country's agenda for a very long time.

Having a very developed touristic economy, New Zealand's environment plays an important role in the country's economical development and prosperity.

Environmental law in New Zealand is vital for protecting all the factors influencing New Zealanders' standard of life and the economical growth.

### **Contributing factors to Environmental Law in New Zealand**

According to Buhrs & Bartlett (1993), New Zealand's unique flora and fauna and its distinctive species and ecosystems have suffered serious losses since human settlement. It is estimated that prior to human settlement eighty per cent of New Zealand was covered in forest. Since then the area covered by forest was significantly reduced to fifty-three per cent by 1840 and further to twenty-three per cent by 1983, making the threat to ecosystem

one of the main contributing factors to Environmental Law in New Zealand.  
(Commission for the Environment, 1985 cited in Buhrs & Bartlett, 1993)

In 1928 increased public interest in conservation led to the introduction of the Public Reserves, Domains and National Parks Act. Several National Parks have been established by 1929 and another four during the 1950s.  
(Department of Statistics, 1989, pp. 512-13 cited in Buhrs & Bartlett, 1993 ).

The conservationist's concerns in regards to destruction of scenic beauty increased during 1950s continue through 1970th and the early 1980s. Following battles over government proposal for the utilisation of beech forests, a new, more radical conservation organisation, the Beech Forest Action Council (later named the Native Forest Action Council) was established.

The interest of the environment movement in New Zealand moved towards conservation issues to a global dimension during the 1980s and early 1990s.  
(Palmer, 1990 cited in Buhrs & Bartlett, 1993)

The Quality of Life Issue and Pollution are just some of many contributing factors to Environmental Law in New Zealand. The quality of life is often associated with the standard of living. However, a good standard of living, like the enjoyment of life, the quality of social relations within society and the satisfaction of psychological needs can contribute to the good quality of live but does not necessarily lead to it, while the low quality of living is often associated with people living in abject poverty(Buhrs & Bartlett, 1993).

The quality of life issues such as pollution, public health and human environment problems have not been the subject of public concerns until the early 1970s, when they started to play a more important role in the public agenda. Poor disposal and waste management has led to further environmental health and pollution issues with the cleaning cost estimated at over \$600 million. (Ministry for the Environment, 1993; Minister for the Environment, Media Statement, 16 December 1992; Stevenson, 1992 cited in Buhrs & Bartlett, 1993).

There are several factor categories that help explain why certain conditions or problems have a better chance of reaching the political agenda. The Socio-cultural context of New Zealand society has been receptive to nature conservation issues. The country's natural environment and scenic beauty is seen as unique which has offered a significant level of support allowing the conservation movement in New Zealand to develop professionally and politically skilled organisations. Significant progress in conservation policy has also been achieved due to the economic factors as well as political-institutional factors. The relative seriousness of environmental problems also contribute to the political recognition of problems.

Convergence is another factor which may explain why problems receive political attention despite the weakness, or even absence, of domestic pressure and demands. This is a process by which outside influences induce countries to adopt similar policies, (Buhrs & Bartlett, 1993)

**The RMA's role in New Zealand**

One of the environmental Laws in New Zealand is The Resources Management Act (1991). This is the only law which is dealt with on a daily basis by many around New Zealand. Having clean air and unpolluted beaches are some of the qualities of our environment that we rely and value, which the RMA seeks to protect. It also encourages the protection of areas of our natural environment that provides habitat for ingenious species.

The RMA set out to create a more streamlined, integrated and comprehensive approach to environmental management.

The focus of RMA is on managing the effects of activities rather than regulating the activities themselves.

The purpose of this Act is to promote the sustainable management of natural and physical resources.

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety. New Zealand Legislation: Acts available at: [www.legislation.govt.nz/act/public/1991/0069/latest/DLM231905.html](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231905.html)

The RMA controls the environmental impacts of activities through the requirement to apply for Resource Consents as well as through any conditions for permitted activities included in the relevant regional or district plan.

## **Conclusions**

Environmental Law in New Zealand as well as globally is in constant and continuous development and reassessing due to the continuously changing environmental issues nationally as well as internationally.

The influences in the development on environmental law in New Zealand have been as much internal as external even though the environmental issues have been in the country's agenda for a very long time.

New Zealand's environmental law has gradually change to meet the country's needs for protecting the indigenous flora and fauna affected by the increasing population and continuously changing environmental conditions. The country's heritage has suffered dramatic changes over time with species broth to extinction or close to it. Learning from past experiences and from other countries experiences, New Zealand has managed to protect its clean and green image by practicing a environmental issue prevention policy.

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