



RE-ESTABLISHING TRUST

CATHERINE IORNS



***The environment
is humanity's first right***

- Ken Saro-Wiwa (1995)

NZ Human Rights Law

Fluoridation:



New Health New Zealand Inc v South Taranaki District Council [2014] NZHC 395



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- Nations recognizing the right to a healthy environment in constitutions, legislation, or international agreements as of 2012
- Nations not recognizing the right to a healthy environment at the national or international level as of 2012



***All human beings have the
fundamental right to an
environment adequate for
their health and well-being***

**World Commission on Environment and Development,
Our Common Future (1986)**

El Riachuelo MATA en silencio



Ancient 'water law' unearthed in Laodicea

DENİZLİ

A marble block unearthed in the ancient city of Laodicea reveals the use of water in the city was managed by law 1,900 years ago, just like today

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AA Photos

A marble block, considered the "water law" from 1,900 years ago, has been unearthed in the ancient city of Laodicea in the western provinces of Denizli.

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Roman Law: Justinian in 529

The following things are by natural law common all – the air, running water, the sea, and consequently the sea shore. No-one is forbidden access to the seashore...

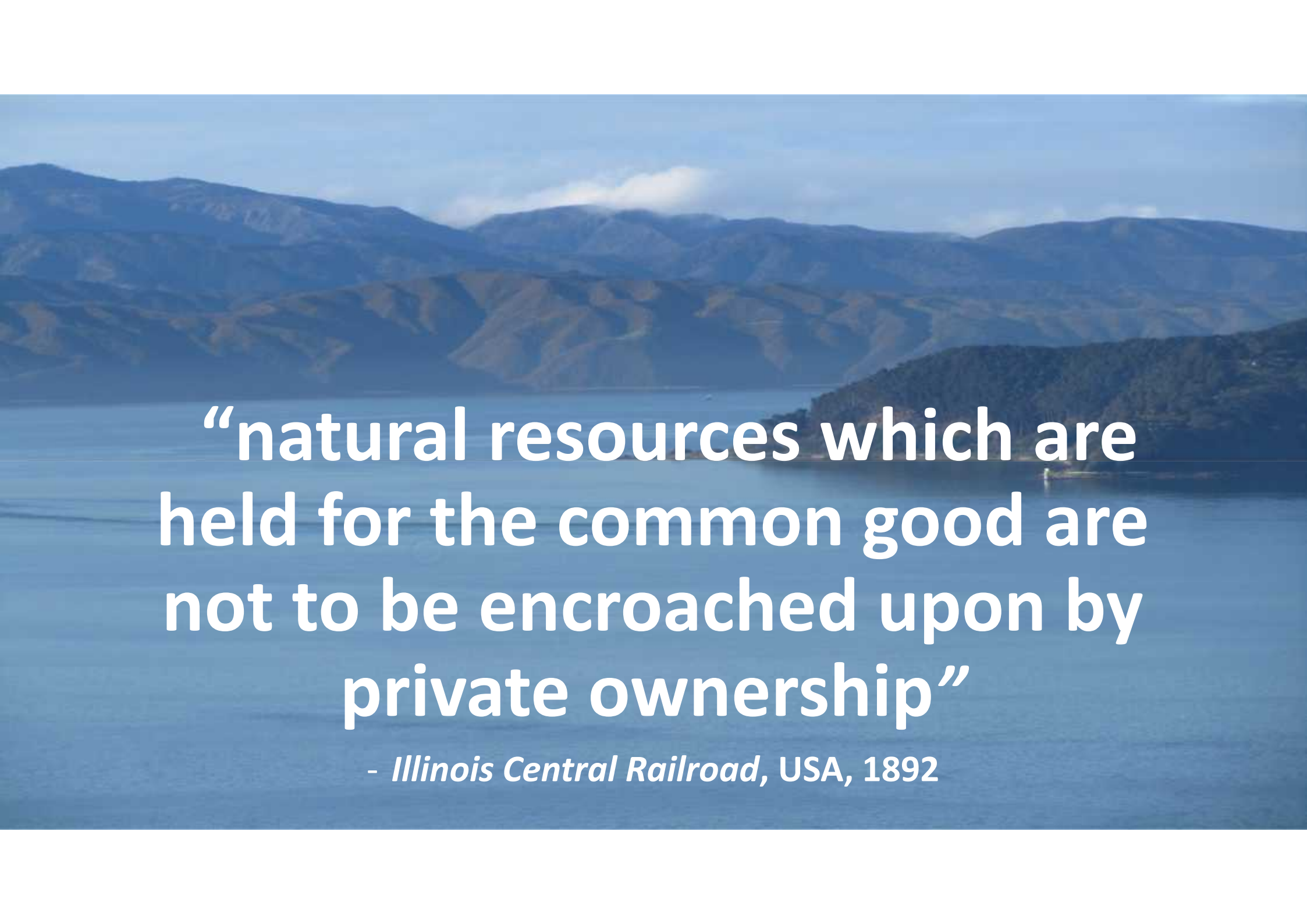
A scenic landscape featuring a large body of water, likely a lake or bay, in the foreground. The water is calm and reflects the warm, golden light of a setting or rising sun. In the background, there are rolling hills and mountains under a sky with soft, wispy clouds. The overall atmosphere is peaceful and natural.

**Bracton, 1256: Justinian's Institutes
part of the Law of England**

**Hale, 1670: The public have common
rights to access natural resources; the
sovereign is restrained in decision-
making over them**

Public Trust Doctrine 1865:

Ownership by the Crown is for the benefit of the subject, and cannot be used in any manner so as to derogate from, or interfere with the rights, which belong by law to the subjects of the realm



“natural resources which are held for the common good are not to be encroached upon by private ownership”

- Illinois Central Railroad, USA, 1892



**“all public natural resources are
held in trust by the State for the
benefit of the people”**

- Hawaii State Constitution



“The notion of an underlying trust cannot be dismissed as an historical anachronism”

- Waitakere City Council v Lovelock (1997)



**“an attitude of responsibility...
for the sake of future
generations”**

- French President, Jacques Chirac (2004)



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