

Submission to the Primary Production Select Committee: Climate Change Response (Emissions Trading Scheme Agricultural Obligations) Amendment Bill

Introducing Mana Mokopuna – Children and Young People’s Commission

Mana Mokopuna – Children and Young People’s Commission is the independent Crown entity with the statutory responsibility to advocate for the rights, interests, participation and well-being of all children and young people (mokopuna) under 18 years old in Aotearoa New Zealand, including young persons aged over 18 but under 25 years old years if they are, or have been, in care or custody.

We independently advocate for and with mokopuna within the context of their families, whānau, hapū, iwi and communities, based on evidence, data and research, including direct mokopuna experiences and views.

Our work is grounded in the United Nations Convention on the Rights of the Child (the Children’s Convention), Te Tiriti o Waitangi and other international human rights instruments. We are a National Preventative Mechanism under the Optional Protocol to the Convention Against Torture, meaning we monitor places where mokopuna are deprived of their liberty, including in the care and protection, youth justice, youth mental health and intellectual disability spaces.

We have a statutory mandate to promote the Children’s Convention and monitor the Government’s implementation of its duties under the Convention, and to work in ways that uphold the rights of mokopuna Māori including under Te Tiriti o Waitangi. We place a focus on advocating for and with mokopuna who are experiencing disadvantage, and we recognise and celebrate the diversity of mokopuna in all its forms.

For more information
please contact:

Simulata Pope, Manager,
Rights and Advocacy
Team, Mana Mokopuna –
Children and Young
People’s Commission

Simulata.Pope@mana.mokopuna.org.nz

Introduction

“ This is our future, our lives that we are talking about here. We will be living with the decisions made now.”

(Joel, Next Generation Conversation oral submission, Inquiry into climate adaptation)¹

1. The Climate Change Response (Emissions Trading Scheme Agricultural Obligations) Amendment Bill impacts New Zealand’s efforts to reduce emissions and mitigate climate change. It therefore impacts all children and their rights.

Children’s rights and the changing climate

2. The changing climate is a significant children’s rights issue.² The UN Committee on the Rights of the Child states that a clean, healthy and sustainable environment is both a right in itself and necessary for the full enjoyment of a broad range of children’s rights.³

¹ Next Generation Conversation oral submission to the Finance and Expenditure Select Committee Subcommittee A Inquiry into Climate adaptation hearing of evidence, 24 07 16 at 2.10.44. Available here: [Finance and Expenditure Committee on Vimeo](#)

² Children’s Rights in a Changing Climate - Thematic report to the United Nations Committee on the Rights of the Child 6th Periodic Review of New Zealand 93rd Pre-Sessional Working Group (September 2022)

³ General comment No. 26 (2023) on children’s rights and the environment, with a special focus on climate change. Adopted by the UN Committee on the Rights of the Child at its ninety-third session (8–26 May 2023). CRC/C/GC/26, paragraph 8. This General Comment provides

3. Here in Aotearoa New Zealand we have seen first-hand the impact of severe weather events associated with the changing climate on children's safety, health, education, and participation rights.⁴ Mana Mokopuna's submission on the [Inquiry into Climate Adaptation \(November 2023\)](#) contains more detailed information about the children's rights implications of climate change.⁵
4. Mokopuna have told us about the importance of Aotearoa New Zealand taking steps to mitigate and adapt to climate change.⁶ They are calling strongly for a safe future, in line with their rights as children, and for mokopuna Māori, their rights as Māori, and for mokopuna Pacific, their rights as mokopuna of Moana-Nui-a-Kiwa.^{7 8} We note that for mokopuna Māori and Pacific mokopuna, their whānau, aiga and communities are often experiencing more significant and inequitable impacts of climate change, both here in Aotearoa New Zealand and throughout the Pacific region of Moana-Nui-a-Kiwa, and are at the forefront of advocating for action that will reduce and mitigate climate change.⁹ Mana Mokopuna has heard directly from diverse voices of mokopuna that they want to participate in shaping decisions relating to our environment and climate.¹⁰
5. The United Nations Committee on the Rights of the Child has identified the triple crisis of climate emergency, collapse of biodiversity and pervasive pollution as an urgent and systemic threat to children's rights globally. In 2023 the Committee issued its General Comment No.26, which provides a guiding framework for prioritising mokopuna and enabling them to participate in environmental and climate-related work.¹¹ It is an important step in upholding and advancing children's rights as the climate changes, prioritising and safeguarding their interests and well-being, and meeting our international obligations.
6. Also in 2023, the United Nations Committee on the Rights of the Child specifically recommended that Aotearoa New Zealand facilitate the access of children and young people, in particular Māori and Pasifika children and children living in low-income settings, to "meaningful participation in climate change planning and decision-making, including on adaption and mitigation work as required by the Climate Change Response (Zero Carbon) Amendment Act 2019, and in the work of the Climate Commission".¹²

definitive guidance to States Parties to the UN Convention on the Rights of the Child about implementation of the Children's Convention in the context of the environment and climate change. Available here: [CRC/C/GC/26: General comment No. 26 \(2023\) on children's rights and the environment with a special focus on climate change](#) | OHCHR

⁴ [Cyclone Gabrielle: How can we support tamariki to thrive after trauma? 'I would tell them they're not alone' | Stuff](#)

⁵ [20231110 Mana Mokopuna - Submission on the Inquiry into Climate Adaptation \(2\).pdf](#)

⁶ For example, Dr Claire Achmad, Chief Children's Commissioner has met with mokopuna around Aotearoa New Zealand who are advocating for their environmental and associated rights, including for example, members of Next Generation Conversation (NGC), a coalition of climate change activists aged 10 to 14 years-old in Ōtautahi Christchurch, who shared their views on how important it is for mokopuna to be involved in climate change adaptation and mitigation work. See: [We Asked to Be Heard](#) - NGC submitted on Christchurch City Council's Coastal Adaptation Framework and this film tells the story of that process and the outcome.

⁷ [School Strike 4 Climate NZ](#)

⁸ [20231110 Mana Mokopuna - Submission on the Inquiry into Climate Adaptation \(2\).pdf](#)

⁹ See, e.g., for more information: [My Environment: Māori youth activist Te Aomihia Walker - CIWEM](#); [India Logan-Riley — Pacific Cooperation Foundation \(pcf.org.nz\)](#); [Mana Rangatahi: Climate change decision-making | Deep South Challenge](#); [Growing Indigenous youth participation in climate change decision-making | Deep South Challenge](#); [Youth action for climate and community resilience — Inspiring Stories](#); [Pacific youth climate activist supports new UN General Comment on Children's Rights - Council for International Development \(cid.org.nz\)](#); [4 Tha Kulture - Issuu](#); [Pacific youth activists present Forum with climate demands | RNZ News](#).

¹⁰ E.g., we have heard this in the responses to our 'What matters most in your world?' survey, 2023/2024.

¹¹ Above, note 3.

¹² CRC/C/NZL/CO/6, para 34, available at: tbineternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRC%2FC%2FNZL%2FCO%2F6&Lang=en. See also CO/C/NZL/CO/5, para 34.

Application of children's rights to the Bill

7. We note that Aotearoa New Zealand needs to reduce its agricultural greenhouse gas emissions in order to meet our legislated targets, emissions budgets, and Nationally Determined Contribution under the Paris Agreement.¹³ We also note the Coalition Government's commitment to "Keep agriculture out of the Emissions Trading Scheme and implement a fair and sustainable pricing system for on-farm agricultural emissions by 2030 that reduces emissions without sending production overseas."¹⁴
8. We urge the Committee to consider the intergenerational impacts that this Bill, if passed, will have on mokopuna and their rights. This includes considering the costs to mokopuna today and in the future, of failing to take effective steps to reduce Aotearoa New Zealand's greenhouse gas emissions.
9. If the decision is taken to repeal the agricultural obligations in the New Zealand Emissions Trading Scheme, it will be critical that alternative measures are put in place, quickly, to reduce agricultural emissions. It will also be imperative that the effectiveness of these alternative measures in reducing emissions is monitored.

Recommendations

10. We recommend that children and their rights, on an intergenerational basis, are prioritised by the Committee when considering this Bill and in decision-making on whether to exclude agricultural emissions from the emissions Trading Scheme.
11. We recommend *General comment No.26 (2023) on children's rights and the environment with a special focus on climate change* be used by the Primary Production Select Committee and the Government as a guiding framework to prioritise mokopuna and enable them to participate in environmental and climate-related work, including emissions reduction.
12. We recommend that if the decision is taken to repeal the agricultural obligations in the New Zealand Emissions Trading Scheme, alternative measures are established quickly to reduce agricultural emissions and that the effectiveness of these alternative measures in reducing emissions is monitored.

¹³ Regulatory Impact Statement: Amending the Climate Change Response Act to repeal New Zealand Emission Trading Scheme agricultural obligations, at p.7: [Regulatory Impact Statement Template \(environment.govt.nz\)](https://environment.govt.nz/regulatory-impact-statement-template)

¹⁴ Ibid, page 8.