

9 April 2024

To: The Minister for Climate Change, the Minister of Justice and the Attorney-General.

cc: Hon. James Shaw;
Labour Spokesperson for Climate Change (Hon Megan Woods); and
Shadow Attorney-General (Hon David Parker).

**Open Letter in Support of the New Zealand Bill of Rights (Right to Sustainable Environment)
Amendment Bill**

Tēnā koutou

We are writing to express our support for the New Zealand Bill of Rights (Right to Sustainable Environment) Amendment Bill, due for its first reading this week on 10 April 2024.

In your vote at the First Reading on 10 April 2024, we ask you to support the Bill to the Select Committee stage.

The New Zealand Bill of Rights Act provides crucial protection for human rights in New Zealand. However, the triple planetary crises of climate change, biodiversity loss, and pollution present significant and urgent challenges to the rights and freedoms of all people in Aotearoa. The United Nations High Commissioner on Human Rights has gone so far as to say that they pose the “*single greatest challenge to human rights of our era*”.

A clean, healthy, and sustainable environment is the bedrock upon which all other human rights depend. This includes but is not limited to children’s rights as enshrined in the Convention on the Rights of the Child, the right to health, and the civil and political rights protected in the Bill of Rights Act. A healthy environment can also affirm the rights set out in Te Tiriti o Waitangi for Māori and all New Zealanders. It is not possible to exercise all human rights *without* having a safe and habitable environment in which to exercise them.

2023 was the [hottest year on record](#), and Aotearoa has already begun experiencing the extreme and devastating weather events caused by human-induced emissions. All the while, climate change and environmental protections continue being sidelined in governmental decision-making. Recent proposed legislation underscores the importance of introducing the right to a clean, healthy, and sustainable environment into the New Zealand Bill of Rights Act.

This right would embed the protection of the environment alongside other fundamental rights and freedoms. It would mean that:

- Interpretation of legislation consistent with the right would be preferred.
- The Attorney General would vet new legislation for compliance with the right to a sustainable environment.
- Parliament would have to consider and squarely confront whether proposed new legislation is inconsistent with the right, and could be challenged if legislation is unjustifiably inconsistent with the right.
- Government agencies and officials could only make decisions that affect the right to a sustainable environment if it is a “justified limitation” on that right.

New Zealand is part of a shrinking minority (the [bottom 20%](#)) of countries that do not legally recognise the right to a sustainable environment. But in July 2022, New Zealand voted to recognise the right to a sustainable environment in the United Nations General Assembly. This sets the stage for New Zealand to recognise the right to a clean, healthy, and safe environment under domestic law.

Taking the Bill to the Select Committee will provide an opportunity to engage widely with New Zealanders about this important proposed new right under New Zealand’s Bill of Rights Act. This is a critical discussion which all people, including tangata whenua and rangatahi, should have the ability to contribute to.

Ngā mihi,



