Inquiry into Climate Adaptation

Submission to the Environment Committee

10 November 2022



Mana Mokopuna - Children and Young People's Commission

Mana Mokopuna - Children and Young People's Commission (Mana Mokopuna) is an Independent Crown Entity, established under the Children and Young People's Commission Act 2022. Mana Mokopuna is governed by a Board and led by the Chief Children's Commissioner. We advocate for the full participation, rights, interests, and well-being of all children and young people (mokopuna) under 18 years of age, and young people under 25 years old who are, or have been, in State care or custody in Aotearoa New Zealand. We view mokopuna within the context of their families, whānau, hapū, iwi and communities.

We are committed to:

- giving effect to our obligations under Te Tiriti o Waitangi (Te Tiriti) and the Treaty of Waitangi (the Treaty), recognising and respecting Māori participation, leadership and te ao Māori approaches in the performance of our functions:
- advancing and monitoring the application of the United Nations Convention on the Rights of the Child (the Children's Convention), especially by Government.

The work of Mana Mokopuna is underpinned by:

- the Children's Convention:
- the child or young person within (without limitation) the context of their family, whānau, hapū, iwi, and communities:
- the diversity of children and young people in all its forms:
- the need for high aspirations for the well-being of all children and young people, including responsive systems and structures that support them:
- the need to give priority to the children and young people who are disadvantaged, and the issues affecting them:
- the need to hear from, and be informed by, children and young people:
- other international instruments relevant to, and that affect, children and young people.

Note about the use of the word 'mokopuna'

At Mana Mokopuna we have adopted the term 'mokopuna' to describe all children and young people we advocate for. 'Mokopuna' brings together 'moko' (imprint or tattoo) and 'puna' (spring of water). Mokopuna describes that we are descendants, and or grandchildren, and how we need to think across generations for a better present and future. We acknowledge the special status held by mokopuna in their families, whānau, hapū and iwi and reflect that in all we do. Referring to children and young people we advocate for as mokopuna draws them closer to us and reminds us that who they are, and where they come from, matters for their identity, belonging and well-being at every stage of their lives.



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Executive Summary



Climate change is a national and global issue and I think the Government has not done enough to resolve this issue as well as it being an important issue to youth and rangatahi considering it is one of our biggest and something that will affect us in the future."

(Mokopuna Māori via Survey, Mokopuna Voices Summary 2021)¹

- 1. The changing climate is already having, and will have, significant implications for the rights, interests, participation, and well-being of all mokopuna in Aotearoa New Zealand.² These impacts are not only significant in children and young people's lives today, but also have long-term, intergenerational impacts. After all, it is important to remember that a child born today will very likely still be alive in the year 2100.
- 2. Mana Mokopuna Children and Young People's Commission welcomes the opportunity to submit on the Inquiry into Climate Adaptation and **recommends** that the Environment Committee **adopt** the **General comment No. 26** (2023) on **children's rights and the environment**, **with a special focus on climate change** (General comment No.26).³ The General comment No. 26 provides a guiding framework for government when considering climate change in the design and implementation of environmental and climate policies, and the direct relationship that these things have on children's rights. By adopting General Comment No.26 to underpin all its work, the Environment Committee will be able to ensure a focus on mokopuna and their rights and wellbeing is at the centre. This will help to create positive experiences and outcomes for mokopuna, and whānau, hapū, iwi and communities at large in Aotearoa New Zealand, on an intergenerational basis.
- 3. Across several engagements with mokopuna around the motu, they have told us that climate change is an important issue for them. This includes for mokopuna Māori and Pacific mokopuna, whose whānau, aiga and communities are often experiencing the inequitable impacts of climate change both here in Aotearoa New Zealand and throughout our Pacific region of Moana-Nui-a-Kiwa. We acknowledge and stand with the many mokopuna around Aotearoa New Zealand that have exercised their civil rights and joined protests or advocacy movements such as the School Strike 4 Climate campaigns, to convey the message that climate change is an issue that the government must immediately act on and take seriously.
- 4. In February 2023, the United Nations Committee on the Rights of the Child (UN Committee) in their Concluding Observations on New Zealand, affirmed the impact of climate change on the rights of the child in Aotearoa New Zealand and recommended that:

"the State party facilitate the accessibility of children and young people, in particular Māori and Pasifika children and children living in low-income settings, to **meaningfully participate** in **climate change planning** and **decision-making** including on adaption and mitigation work, also as required by the Climate Change Response (Zero Carbon) Amendment Act 2019, and in the work of the Climate Commission."⁴

⁴ UN Committee on the Rights of the Child, Concluding observations on the sixth periodic report of New Zealand. CRC/C/NZL/CO/6 p.10, para 34. 2023.



¹ Office of the Children's Commissioner. Mokopuna Voices Summary Report. 2021. Refer here: Child and Youth Voices: What's important to me | Mana Mokopuna

² Sanz-Caballero, Susana. "Children's rights in a changing climate: a perspective from the United Nations Convention on the Rights of the Child." *Ethics in science and environmental politics*. 2013.

³ CRC/C/GC/26: General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change | OHCHR

- 5. This submission provides a children's rights lens on climate change and adaptation. Mana Mokopuna advocates for all mokopuna in Aotearoa New Zealand to experience all their rights, in all circumstances, including in the changing climate. We advocate for mokopuna to be active participants and agents of change in decision-making about the climate and te taiao (the natural world) that impact on their lives at the local, regional and national levels, and for their whānau, hapū and iwi to be actively involved in decision-making on this kaupapa. We urge the Environment Committee and the Government to consider responses to climate change and adaption in the context of wider systemic issues that mokopuna and their whānau face, such as poverty. Without viewing climate change and climate related decision-making within this interconnected context, we risk perpetuating poor experiences and outcomes for mokopuna and their whānau. We advocate for the right to access to information and the right to education being ensured so that mokopuna understand their rights in relation to the environment, as well as to learn about te taiao and environmental values. This will enable mokopuna to actively participate in climate adaptation (and mitigation) planning, contribute to decision-making that affects their lives, and allow them to make informed decisions.
- 6. Our submission emphasises the intersection between Te Tiriti o Waitangi (Te Tiriti), the Treaty of Waitangi (the Treaty), and climate change. Centring the articles and provisions of Te Tiriti and the Treaty will help to ensure the rights and wellbeing of mokopuna Māori and their whānau, hapū and iwi, within the context of climate change and adaptation. The Crown has a responsibility to prioritise the rights of mokopuna Māori, who are more vulnerable to the impacts of climate change. The provision of tino rangatiratanga under Article 2 of Te Tiriti, means that Māori have the right to lead climate responses and ensure the protection of their whenua, their communities and their taonga.

Introduction

- 7. Mana Mokopuna Children and Young People's Commission (Mana Mokopuna) is an Independent Crown Entity. Our purpose is to promote the rights, interests, participation and well-being of mokopuna within the context of their families, whānau, hapū, iwi and communities. We advocate for all mokopuna under the age of 18 and custody- and care-experienced young people aged 18-24.
- 8. The United Nations Convention on the Rights of the Child (the Children's Convention) provides a rights-based foundation for the work at Mana Mokopuna.⁵ This submission utilises the UN Committee on the Rights of the Child General Comment No. 26 to amplify mokopuna rights and assert that children must be a priority across all environmental and climate-related work. General Comment No. 26 was published in August 2023 and was drafted with input from children and young people around the world, including from Aotearoa New Zealand and the Pacific.
- 9. This submission builds on work that the previous Office of Children's Commissioner (the Office) led, while also building on and being strongly informed by all of the mokopuna voices we have heard, including in relation to climate change and environmental matters. It amplifies the hopes, aspirations and concerns that many mokopuna have raised with the Office over the last several years. We note that mokopuna have the right to the freedom of expression, association and peaceful assembly under Articles 13 and 15 of the Children's Convention. We remind the Environment Committee that thousands of mokopuna stood before Parliament to urge the Government and decision-makers to take action on the urgent issue of climate change, and that mokopuna throughout the country continue to be at the forefront of advocacy on this kaupapa.

⁵ Children and Young People's Commission Act, s 21. 2022.

- 10. Given the focus of the Environment Committee's Inquiry, throughout this submission we refer to climate adaptation and we have utilised the defining features and advice provided by the United Nations Committee on the Rights of the Child (UN Committee) as noted below:
 - "Adaptation: Since climate change-related impacts on children's rights are intensifying, a sharp and urgent increase in the design and implementation of child-sensitive, gender-responsive and disability-inclusive adaptation measures and associated resources is necessary. States should identify climate changerelated vulnerabilities among children concerning the availability, quality, equity and sustainability of essential services for children, such as water and sanitation, health care, protection, nutrition and education. States should enhance the climate resilience of their legal and institutional frameworks and ensure that their national adaptation plans and existing social, environmental and budgetary policies address climate change-related risk factors by assisting children within their jurisdiction to adapt to the unavoidable effects of climate change. Examples of such measures include strengthening child protection systems in risk-prone contexts, providing adequate access to water, sanitation and health care, as well as safe school environments, and strengthening social safety nets and protection frameworks, while giving priority to children's right to life, survival and development. Healthy ecosystems and biodiversity also play an important role in supporting resilience and disaster risk reduction."6
- 11. Mana Mokopuna also emphasises the importance of mitigation and supports proactive efforts to address climate change. The UN Committee has called for all States to take urgent and collective action to achieve net zero carbon emissions and limit the global temperature increase to below 1.5°C.⁷ Mitigation efforts are also incredibly important for Pacific mokopuna who reside both in Aotearoa and Moana-Nui-a-Kiwa. The Government has a responsibility to support the mitigation and adaptation efforts of Pacific nations, who are incredibly vulnerable to the impacts of climate change. This must be led by Pacific mokopuna, their aiga, and their communities in a way which privileges Pacific indigenous traditional knowledge.⁸
- 12. This submission brings forward a mokopuna-focused perspective in relation to the following specific aspects of the Inquiry Terms of Reference:
 - Lessons learned from severe weather events and natural disasters in Aotearoa New Zealand for community-led retreat and funding climate adaptation
 - Effective mechanisms for community-led decision making
 - Māori participation, Crown obligations, and how to best give effect to the principles of Te Tiriti o Waitangi
 - Targets or indicators for assessing progress to more resilient communities.
- 13. Please also refer to Appendix 2 of this submission, which provides further examples of mokopuna participation and engagement in initiatives related to the changing climate.

⁶ CRC/C/GC/26: General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change | OHCHR at para. 101.

⁷ CRC/C/GC/26: General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change.

⁸ Kerr, Emma. "" We are not drowning, we are fighting": A critical examination of the climate change adaptation law and policy framework in the Pacific Islands." Te Mata Koi: Auckland University Law Review 28 (2022): 47-77.

Lessons learned from severe weather events and natural disasters in Aotearoa New Zealand for community-led retreat and funding climate adaptation



It is the feeling of myself and many of my peers that the Government of Aotearoa NZ and other worldwide Governments are simply committing token gestures, and not doing anything that will effect real change to halt climate change. We feel that we will be left to pick up what pieces we can of a broken planet. I have even heard adults say things like, it's okay, the kids will fix it all."

(Mokopuna via Survey, Mokopuna Voices Summary 2021)⁹

- 14. Mokopuna will be impacted the most by the ongoing effects of climate change, making them more susceptible to harm and increases risk to their wellbeing. Some mokopuna are more likely to disproportionately experience the impact of climate change, such as mokopuna Māori, mokopuna belonging to minority groups (i.e. Pacific mokopuna), mokopuna whaikaha and those living in disaster-prone or climate-vulnerable environments. In practice, individual mokopuna are often also within multiple of these groups that experience the disproportionate impacts of climate change. Because of this, and because mokopuna are most impacted by climate change, we recommend that mokopuna should be explicitly recognised as a priority group in the consultation, development and implementation of climate adaptation decisions, policies and legislation (at a community, local and national level).
- 15. In recognising the impact of the changing climate on mokopuna and the potential to exacerbate existing inequities, climate adaptation must uphold the rights of mokopuna, particularly the right to non-discrimination and the best interests of the child under Articles 2 and 3 of the Children's Convention.
- 16. An intersectional lens must also be applied as we move to mitigate and adapt to the impacts of climate change. For mokopuna who are more vulnerable, it is evident that existing structures do not allow for or enable their participation.¹¹ This is particularly the case for mokopuna Māori, who, as tangata whenua have particular rights under Te Tiriti o Waitangi (Te Tiriti) The Treaty of Waitangi (the Treaty), the Children's Convention and the United Nations Declaration on the Rights of Indigenous People (UNDRIP).
- 17. The UN Convention on the Rights of Persons with Disabilities (CRPD) emphasises the right of mokopuna whaikaha to fully participate in political and public life on an equal footing with other citizens.¹² The participation of mokopuna whaikaha must be prioritised at all levels, to ensure their rights and needs are proactively planned for and met throughout approaches to climate change.
- 18. We advocate for mokopuna to be involved in decisions that impact them in a way that allows their views to be heard, considered and taken seriously in decision-making and in the development of legislation and policy. Mokopuna participation and engagement should be facilitated in ways that are empowering and respectful of mokopuna, seeing mokopuna as the experts in their own lives, communities and experiences, and within the

¹² UN General Assembly, Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106



⁹ Office of the Children's Commissioner. Mokopuna Voices Summary Report. 2021. Refer here: <u>Child and Youth Voices:</u> <u>What's important to me | Mana Mokopuna</u>

¹⁰ United Nations Committee on the Rights of the Child, General comment No. 26 on children's rights and the environment, with a special focus on climate change, para 14. 2023.

¹¹ Areta, Ranginui Charlton. "Ka Hao te Rangatahi: Rangatahi Māori Experiences of Climate Change." PhD diss., The University of Waikato, 2023.

context of their whānau, hapū and iwi. Mokopuna continue to advocate to government that their views and voices are important, and their ideas must be acted on.¹³ However, in some instances where mokopuna and mokopuna Māori have been consulted about climate change, they are left feeling like they have not been taken seriously. The following quote shares the experience of a rangatahi Māori who felt consultation with mokopuna is often a tick box exercise:



• I kept saying "The challenges should look something like how do we integrate social justice into our response for climate change? How do we honour Te Tiriti o Waitangi when we think about how we get to zero emissions in transport?"... And then people are like "Okay, cool, cool, so our five challenges are going to be transport, waste", and then they're going and saying "Yes, young people chose these challenges for us", it's like they were my first experience of being dismissed, of being a box to tick." (Rangatahi Māori, Ka Hao te Rangatahi: Rangatahi Māori Experiences of Climate Change)¹⁴

- 19. In 2017, Regenerate Christchurch engaged with mokopuna to hear their vision for the Ōtākaro Avon River Corridor regeneration. Because of the way that this mahi approached mokopuna participation, the Office of the Children's Commissioner endorsed their approach and promoted this as a case study to exemplify best practice.
- 20. When participation is done well and mokopuna are invited to genuinely share their ideas, mokopuna tell us that they feel that their voice is heard and valued. Below is some of the feedback mokopuna have shared as a reflection of their involvement with Regenerate Christchurch:15



21. We urge the government and Environment Committee to engage with mokopuna to hear their experiences of severe weather events, natural disasters and environmental degradation in Aotearoa New Zealand, to better understand how climate adaptation impacts them. Engaging with mokopuna to design climate solutions and solutions that protect and preserve te taiao is important, as they bring different perspectives, fresh ideas and problem-solving approaches, and genuine concern for the future. Based on mahi that mokopuna have already done around Aotearoa New Zealand, we believe that mokopuna will offer unique solutions and future-focused ideas to improve community-led retreat and adaptation.

¹³ Department of Prime Minister and Cabinet, Child And Youth Wellbeing Strategy Review Summary Report Of Child And Youth Engagement. 2022, Refer here: <u>Summary Report of engagements with children and young people to inform the Strategy Review.pdf (childyouthwellbeing.govt.nz)</u>

¹⁴ Areta, Ranginui Charlton. "Ka Hao te Rangatahi: Rangatahi Māori Experiences of Climate Change." 2023.

¹⁵ Office of the Children's Commissioner, Children's views on the Ōtākaro Avon River A Child And Youth Voices Case Study From Regenerate Christchurch. 2017. Refer here: regenerate-christchurch-case-study-2017.pdf (manamokopuna.org.nz)

Effective mechanisms for community-led decision making



There is a lot of anxiety and fear happening around the state of the planet. Current systems and messaging do not support young people to not feel anxious and fearful about those things."

(Whāraurau Youth Advisors, An insights report into the Wellbeing of Rangatahi Māori and other Young People in Aotearoa 2022)¹⁶

- 22. Alongside mokopuna participation and engagement in decision making, there are a number of mechanisms that will support mokopuna to be involved in climate adaptation planning.¹⁷ As previously mentioned, it is important that mokopuna are recognised as experts for their unique experiences and viewpoints, and should therefore, be involved in community-led decision making.
- 23. General Comment No.26 provides clear guidance about the rights of mokopuna and the environment, whilst also providing a framework to understand how the government can support all mokopuna to effectively exercise all their rights. 18 Recognising the indivisibility and interconnectedness of mokopuna rights and taking a holistic approach to giving effect to children's rights is essential. The multiple and intersecting forms of discrimination that can be barriers to mokopuna enjoying their rights must also be addressed. Some specific examples of the rights that need to be applied and given effect to in order to enable effective mokopuna participation in community-led decision making are discussed in the next section of this submission.

Ensuring that mokopuna, their whānau, family and communities have the basics



...children are living in poverty in NZ and the only way for us ALL to be heard is for us ALL to be at least living in liveable spaces so lift everyone from poverty."

(Mokopuna, CYWS Review, Summary Report of Child & Youth Engagement)¹⁹

24. Everyone has the right to life, liberty and security of person.²⁰ Under Article 6 of the Children's Convention, mokopuna have a right to life, survival and development. Environmental degradation poses a threat to the survival and development of mokopuna in times of climate crisis, because there is a higher risk of mokopuna experiencing poorer standards of living, health inequities, and violence.²¹ The following rights must be upheld to ensure that mokopuna have all the necessities to fully participate.



¹⁶ Te Hiringa Mahara – the Mental Health and Wellbeing Commission. Young people speak out about Wellbeing: An insights report into the Wellbeing of Rangatahi Māori and other Young People in Aotearoa. 2022. Refer here: Youth Wellbeing. Insights Report | Te Hiringa Mahra—Mental Health and Wellbeing Commission (mhwc.govt.nz)

¹⁷ UN General Assembly, Convention on the Rights of the Child, 20 November 1989,

¹⁸ United Nations Committee on the Rights of the Child, General comment No. 26 on children's rights and the environment, with a special focus on climate change, para 14. 2023.

¹⁹ Department of Prime Minister and Cabinet, Child And Youth Wellbeing Strategy Review Summary Report of Child and Youth Engagement .p.6. Refer here: Summary Report of engagements with children and young people to inform the Strategy Review.pdf (childyouthwellbeing.govt.nz)

²⁰ United Nations. 1948. Universal Declaration of Human Rights.

²¹ United Nations Committee on the Rights of the Child, General comment No. 26. 2023.

Right to social security and adequate standard of living (arts. 26 and 27)

25. In adapting to the changing climate and environment, the rights of mokopuna to social security and an adequate standard of living are paramount to a preventative and proactive approach which enables the health, safety and resilience of mokopuna. When these rights are upheld, mokopuna are more likely to participate and contribute to community-led decision making. The UN Committee asserts these rights in the context of the environment:

"Children have the right to a standard of living adequate for their physical, mental, spiritual, moral and social development. A clean, healthy and sustainable environment is a prerequisite for the realization of this right, including to adequate housing, food security and safe and clean drinking water and sanitation."²²

26. In the design and development of climate mitigation, adaptation and related policies, the protection of mokopuna and their whānau must be considered in response to environmental shocks and slow-onset harms. This may look like; the government strengthening child poverty action to support and prevent whānau experiencing hardships and building resilience in their response to the climate crisis. The UN Committee has also recommended that States should strengthen child poverty alleviation in the areas that are most vulnerable to environmental risks.²³

Right to the highest attainable standard of health (art. 24)

27. Climate change presents an increased risk to the health and wellbeing of mokopuna and the exacerbation of existing health disparities. Health risks associated with climate change are due to issues such as increased air pollutants, poor water quality, soil and land degradation – all of which increase child mortality, particularly for children under 5 years of age.²⁴ The UN Committee notes in General Comment No. 26 that:

"The effects of climate change, including water scarcity, food insecurity, vector-borne and waterborne diseases, the intensification of air pollution and physical trauma linked to both sudden- and slow-onset events, are disproportionately borne by children."²⁵

28. As noted in Aotearoa New Zealand's first national adaptation plan, mokopuna are more likely to suffer poorer health outcomes and they are also more prone to psychological impacts from extreme events. The UN Committee has noted concern for the mental health of mokopuna due to climate change-related events, linking the mental health of mokopuna who may be suffering from depression or eco-anxiety to environmental degradation and the climate crisis. Recently in Aotearoa New Zealand, we have heard anecdotal evidence that rain-anxiety and eco-anxiety has been induced for some mokopuna and their whānau who have been impacted by Cyclone Gabrielle, and the Auckland Anniversary floods.



²² United Nations Committee on the Rights of the Child, General comment No. 26. 2023.

²³ United Nations Committee on the Rights of the Child, General comment No. 26. 2023.

²⁴ United Nations Committee on the Rights of the Child, General comment No. 26. 2023.

²⁵ United Nations Committee on the Rights of the Child, General comment No. 26, para 40. 2023.

²⁶ Ministry for the Environment, Aotearoa New Zealand's First National Adaptation Plan. Wellington. 2022. Refer here: <u>Urutau, ka taurikura: Kia tū pakari a Aotearoa i ngā huringa āhuarangi | Adapt and thrive: Building a climate-resilient New Zealand (environment.govt.nz)</u>

²⁷ United Nations Committee on the Rights of the Child, General comment No. 26. 2023.

Right to freedom from all forms of violence (art. 19)

29. The UN Committee has emphasised that environmental degradation is a form of structural violence against children and provides clear examples of the relationship between environmental degradation and mokopuna experiences of violence:

"Environmental degradation, including the climate crisis, is a form of structural violence against children and can cause social collapse in communities and families. Poverty, economic and social inequalities, food insecurity and forced displacement aggravate the risk that children will experience violence, abuse and exploitation. For example, poorer households are less resilient to environment-related shocks, including those caused or exacerbated by climate change, such as rising sea levels, floods, cyclones, air pollution, extreme weather events, desertification, deforestation, droughts, fires, storms and biodiversity loss."²⁸

- 30. In Aotearoa New Zealand, the likelihood of increased risk of structural violence is more acute for mokopuna Māori, who are already disproportionately represented in this area. Issues such as poverty, economic and social inequalities and food insecurity are likely to be exacerbated by climate change, and forced displacement increases the risk that mokopuna may experience violence, abuse and/or exploitation.²⁹
- 31. This was evident in the wake of Cyclone Gabrielle, where the Police reported an approximate 60% increase in family harm.³⁰ Similar instances of the increased prevalence and severity of family violence was also evident in other times of crisis in Aotearoa New Zealand, such as the Christchurch earthquakes.³¹
- 32. It is also important to consider mokopuna whaikaha who are more vulnerable to violence and experience significant barriers to access support.³² Mokopuna Māori are also overrepresented in family violence statistics and the impact for whānau Māori is often intergenerational in nature.³³ Both mokopuna Māori and whaikaha must be prioritised in responses to violence (both preventative and responsive), to ensure equitable outcomes which protect and uphold the rights, well-being and interests of mokopuna, particularly under Te Tiriti, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention on the Rights of Persons with Disabilities.
- 33. Adaptation planning must help to give effect to the right of children to freedom from all forms of violence. Resilient response systems that protect children from the impacts of climate change must be complimented by government policy to ensure mokopuna, and their whānau have a good standard of living, which in turn supports mokopuna and whānau safety and wellbeing. The UN Committee has highlighted the following issues which must be considered in mitigation and adaptation efforts, particularly for lower socioeconomic households when faced with environmental-related shocks:

"The financial hardships, food and clean water shortages and fragile child protection systems brought about by such shocks undermine families' daily

³³ Walters, Anna. "Stories of survival and resilience: An enquiry into what helps tamariki and rangatahi through whānau violence." PhD diss., ResearchSpace@ Auckland, 2016.



²⁸ United Nations Committee on the Rights of the Child, General comment No. 26. 2023. at para. 35.

²⁹ United Nations Committee on the Rights of the Child, General comment No. 26. 2023.

³⁰ The AM Show TV3 Network, Interview with Police Commissioner Andrew Coster. 20th February 2023. Refer here Women's Refuge says 'no surprise' family harm up 60pct since Cyclone Gabrielle | Newshub

³¹ Domestic Violence Free, Cyclone Gabrielle and Domestic Violence: How To Help - DVFREE, 2023.

³² Herbert, R. and Mackenzie, D. The way forward - an Integrated System for Intimate Partner Violence and Child Abuse and Neglect in New Zealand. Wellington, The Impact Collective. 2014.

routines, place an extra burden on children and increase their vulnerability to gender-based violence, child marriage, female genital mutilation, child labour, abduction, trafficking, displacement, sexual violence and exploitation and recruitment into criminal, armed and/or violent extremist groups. Children must be protected from all forms of physical and psychological violence."³⁴

34. A preventative approach is required to ensure mokopuna are supported and that hardship in the face of environment-related shocks are mitigated. Mana Mokopuna urges the government to address the drivers of violence against mokopuna prior to climate-related tragedies. We support adaptation approaches which ensure that all mokopuna, their whānau, and communities have what they need to holistically give effect to their rights, which will in turn reduce experiences of violence, particularly in times of uncertainty.

Education and access to information



"It's [climate change] very important, but I just know nothing about it."

(Mokopuna Whaikaha, Mokopuna Voices Summary 2021)³⁵

- 35. Active and effective participation must be supported by the guarantee of Articles 13, 17, 28 and 29 of the Children's Convention which encompasses the right to access information and the right to education.³⁶
- 36. It is important the government ensures that accurate and evidence-based information about the environment, climate change and sustainability is accessible in order to empower mokopuna to learn what they can do in their immediate environment. Access to information must sit alongside a rights-based environmental education which is inclusive, child-friendly and enables mokopuna to understand the risks of climate change whilst also building mokopuna awareness and preparedness for environmental damage.³⁷
- 37. The UN Committee has provided specific guidance to shape the learning of a rights-based environmental education:

"School curricula should be tailored to children's specific environmental, social, economic and cultural contexts and promote understanding of the contexts of other children affected by environmental degradation. Teaching materials should provide scientifically accurate, up-to-date and developmentally and age-appropriate environmental information. All children should be equipped with the skills necessary to face expected environmental challenges in life, such as disaster risks and environment-related health impacts, including the ability to critically reflect upon such challenges, solve problems, make well-balanced

³⁷ United Nations Committee on the Rights of the Child, General comment No. 26 on children's rights and the environment, with a special focus on climate change. 2023.



³⁴ United Nations Committee on the Rights of the Child, General comment No. 26. 2023.

³⁵ Office of the Children's Commissioner. Mokopuna Voices Summary Report. 2021.

³⁶ Children's views should be proactively sought and given due weight in the design and implementation of measures aimed at addressing the significant and long-term environmental challenges that are fundamentally shaping their lives. Creative means of expression, such as art and music, may be used by children to participate and express their views. Additional support and special strategies may be required to empower children in disadvantaged situations, such as children with disabilities, children belonging to minority groups and children living in vulnerable areas, to exercise their right to be heard. The digital environment and tools can enhance consultations with children and expand their capacity and opportunities to be effectively engaged in environmental matters.

decisions and assume environmental responsibility, such as through sustainable lifestyles and consumption, in accordance with their evolving capacities."³⁸

- 38. Schools are highly vulnerable to environmental harm, for example natural disasters can result in the destruction of schools or places to play.³⁹ Due to the risk of school closures, it is integral that the government has plans in place to support communities when there are school closures and disruptions due to climate change.
- 39. Given the impact on and importance of climate change and te taiao for the rights of mokopuna, equitable access to education and information about this kaupapa is important. By ensuring the rights of mokopuna to education and access to information – this will support all mokopuna to be involved in community-led decision-making, where they can make informed decisions, have a clear understanding of climate change and the local environment. This also contributes to the overall learning and development of mokopuna.

Right to rest, play, leisure and recreation (art. 31)

- 40. The right to play and recreation contributes to mokopuna learning and education and is a critical element for their holistic development. In Aotearoa New Zealand, this relationship between the environmental rights of mokopuna with their right to play is of special significance, including for mokopuna Māori as tangata whenua. Upholding the right to play presents mokopuna with opportunities to explore and experience the natural world and biodiversity, and benefits their health and well-being and environmental education.⁴⁰
- 41. A great example of this right in practice as highlighted by Education Gazette, is the journey that mokopuna took to design and create a mural. The mokopuna of Shannon School were absorbed in the environment and were able to play, alongside learning about art, local histories and the environment.41
- 42. In the context of the intersecting rights of children to the environment, development, health and the right to play, the UN Committee also recommends that:

"States take effective legislative, administrative and other measures to ensure that all children, without discrimination, are able to play and engage in recreational activities in safe, clean and healthy environments, including natural spaces, parks and playgrounds."42

Māori participation, Crown obligations, and how to best give effect to te Tiriti o Waitangi



■ Without the whenua we are not tangata whenua, so we have got to look after it. Everything in this (constitutional) mahi should start with that."

(Mokopuna Māori, Matike Mai Aotearoa Report 2016)⁴³

⁴³ National Iwi Chairs Forum, the Independent Working Group on Constitutional Transformation, Matike Mai Aotearoa Report. p.95. 2016. Refer here: Report of Matike Mai Aotearoa - The Independent Working Group on Constitutional <u>Transformation - Network Waitangi Otautahi (nwo.org.nz)</u>



³⁸ United Nations Committee on the Rights of the Child, General comment No. 26 on children's rights and the environment, with a special focus on climate change, para 53. 2023.

³⁹ United Nations Committee on the Rights of the Child, General comment No. 26 on children's rights and the environment, with a special focus on climate change. 2023.

⁴⁰ United Nations Committee on the Rights of the Child, General comment No. 26. 2023.

⁴¹ A journey through time in Shannon - He haerenga tahi o tēnei rohe o Hanana - Education Gazette, 2022.

⁴² CRC/C/GC/26: General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change | OHCHR at para. 61.

43. As stated, mokopuna Māori are particularly vulnerable to the impacts of environmental degradation, climate change and the intensification of existing inequities. The UN Committee has emphasised in General comment No. 26 that indigenous children are disproportionately affected by climate change and therefore recommends that:

"States should closely consider the impact of environmental harm, such as deforestation, on traditional land and culture and the quality of the natural environment, while ensuring the rights to life, survival and development of Indigenous children. States must undertake measures to meaningfully engage with Indigenous children and their families in responding to environmental harm, including harm caused by climate change, taking due account of and integrating concepts from Indigenous cultures and traditional knowledge in mitigation and adaptation measures."⁴⁴

- 44. Te Tiriti and the Treaty provide the historical and constitutional context through which all government legislation and policy should be viewed. Prioritising a Te Tiriti-centric approach is crucial for upholding the rights, interests, and well-being of mokopuna Māori, within their whānau, hapū, iwi, and communities. To give effect to Te Tiriti and the Treaty in climate responses, Mana Mokopuna looks to each of the provisions to provide an analysis of environmental degradation and climate outcomes.
- 41. The provision of kāwanatanga under Article 1 of Te Tiriti translates to a Crown obligation to uphold good governance. The track-record of Crown recognition of the intrinsic relationship between Māori and the natural environment has been inconsistent. Although some Treaty settlements have recognised this, there are many instances in present times and historically where this has not been recognised and upheld. For example, the WAI262 report observes that there are many unresolved claims linked to resources such as minerals, geothermal energy, water, the foreshore and seabed, riverbeds, and so forth.⁴⁵
- 42. The Crown has begun to acknowledge te ao Māori across legislation, policy and funding for example s 6(e) and s 7(2) of the Resource Management Act 1991 (RMA) which intends to recognise and provide for 'the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga'. Section 7 also refers to kaitiakitanga and requires local government to consider 'the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship'.⁴⁶
- 43. In order to build on the progress of environmental reforms and improve Te Tiriti-centric legislation, policies and practices, climate adaptation must be embedded in mātauranga Māori and generational practices which benefitted Māori prior to colonisation, who proactively adapted and mitigated the risks of changing climate and environment.⁴⁷ Alongside embedding such knowledge and practice, is the urgency to uphold the provision of tino rangatiratanga under Article 2 of Te Tiriti which affirms and guarantees Māori self-determination and agency over their taonga (material and non-material).



⁴⁴ CRC/C/GC/26: General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change | OHCHR at para. 58.

⁴⁵ The Waitangi Tribunal, Ko Aotearoa Tēnei, A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuatahi, WAI262. 2011. Refer here: https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68356054/KoAotearoaTeneiTT1W.pdf

⁴⁶ The Waitangi Tribunal, Ko Aotearoa Tēnei, A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuatahi, WAI262. 2011.

⁴⁷ Jones, R. G., Bennett, H., Keating, G., & Blaiklock, A. (2014). Climate Change and the Right to Health for Māori in Aotearoa/New Zealand. Health and Human Rights: an international journal, 16(1), 54-68. Refer here: http://www.hhrjournal.org/wp-content/uploads/sites/13/2014/06/Jones2.pdf

- 44. Article 2 of Te Tiriti establishes the provision of Crown protection of Māori self-determination. Tino rangatiratanga demands Māori participation, involvement and leadership in matters affecting them for example, the protection of taonga such as whenua, marae, urupā and sites of significance. It is essential that whānau, hapū, iwi and Māori organisations are supported with all of the resources required to enable tino rangatiratanga as guaranteed in Te Tiriti. Upholding tino rangatiratanga will ensure that mokopuna Māori and their whānau, hapū and iwi can lead responses and mitigate the disproportionate impacts of climate change.
- 45. Under Article 2 and the provision of tino rangatiratanga and the protection of taonga, there is an obligation to uphold Te Tiriti in rights-based environmental education. This may be done through the weaving of mātauranga Māori into the local curriculum to enable understanding of kawa and tikanga related to whenua and environment. Broughton and McBreen explain the connection between the wellbeing and the retention of Māori identity through mātauranga and the environment:

"As mātauranga is developed and practised by whānau and hapū through relationships with local environments, in order for that mātauranga to thrive, whānau and hapū must also be thriving. For the continuum to expand, mātauranga must be practised by the people to whom it is inextricably linked through kawa and tikanga, and within the environment from which it has grown." ⁴⁸

- 46. The provision of ngā tikanga katoa rite tahi under Article 3 of Te Tiriti affirms the equal enjoyment of all rights and privileges for all peoples. This provision is heightened in circumstances of inequity between Māori and non-Māori. For example, Māori who reside in marine and coastal areas are inequitably vulnerable to the impacts of climate change, compared to a majority non-Māori population that live in urban settings.⁴⁹ The guarantee of equitable outcomes for Māori must be an integral part of climate responses and environmental kaupapa. A lack of appropriate climate responses is likely to worsen inequities, particularly where there are already disparities in outcomes, such as health outcomes.⁵⁰
- 47. It is essential that Crown systems acknowledge and respect freedom of spiritual expression, including within climate adaptation, to ensure that Māori spiritual customs and beliefs are valued, respected, and protected for all to enjoy in accordance with the provision of te ritenga Māori under Article 4 of Te Tiriti. Engagement with te taiao is interconnected with whakapapa⁵¹ it is a key indicator of wellbeing and supports Māori to connect with their culture and their whenua.⁵² Formulating climate change responses must uphold the intrinsic relationship of te taiao and te ao Māori to the spiritual wellbeing of tangata whenua.

⁵² McLachlan, Andre David, Waikaremoana Waitoki, Parewahaika Harris, and Horiana Jones. "Whiti te rā: A guide to connecting Māori to traditional wellbeing pathways." (2021): 78-97. Refer here: <a href="https://researchcommons.waikato.ac.nz/bitstream/handle/10289/14332/140.158.Whiti-Te-Ra-A-guide-to-connecting-Maori-to-traditional-wellbeing-pathways.pdf?sequence=2&isAllowed=y



⁴⁸ D Broughton, (Te Aitanga-a-Hauiti, Taranaki, Ngāti Porou, Ngāpuhi), K McBreen & (Waitaha, Kāti Māmoe, Ngāi Tahu) (2015) Mātauranga Māori, tino rangatiratanga and the future of New Zealand science, Journal of the Royal Society of New Zealand, 45:2, 83-88, 2015. DOI: 10.1080/03036758.2015.1011171

⁴⁹ Glavinovic, Krystyna, Kyle Eggleton, Rhoena Davis, Kim Gosman, and Alexandra Macmillan. "Understanding and experience of climate change in rural general practice in Aotearoa—New Zealand." *Family Practice* 40, no. 3 (2023): 442-448. Refer here: https://academic.oup.com/fampra/article/40/3/442/6726513

⁵⁰ Jones, R. G., Bennett, H., Keating, G., & Blaiklock, A. (2014). Climate Change and the Right to Health for Māori in Aotearoa/New Zealand. Health and Human Rights: an international journal, 16(1), 54-68. Refer here: http://www.hhrjournal.org/wp-content/uploads/sites/13/2014/06/Jones2.pdf

⁵¹ Taiao incorporates aspects of whakapapa, such as returning to whenua tūpuna (customary lands), moana (oceans), awa (rivers), ngahere (bush) and maunga (mountains), and the application of traditional Māori roles and values related to kaitiakitanga (stewardship, guardianship, and protection) - "Whiti te rā: A guide to connecting Māori to traditional wellbeing pathways." (2021)

Targets or indicators for assessing progress to more resilient communities



"If people in the community are caring and are respectful for each." other and the environment, everyone would have a happy life because they would feel respected and that is a big thing."

(15-year-old girl, What Makes a Good Life?)53

- 48. Community resilience is about ensuring that all people are supported to adapt, and that the most vulnerable people are supported, especially when communities are disrupted or impacted by climate change. Mokopuna as a priority group, must be at the forefront of climate responses to guarantee and protect their rights and their well-being.
- 49. General Comment No. 26 has further emphasised the right of mokopuna in relation to the environment with the increasing risk of climate change. It has also highlighted General Measures of Implementation (GMI) which should be utilised as there is an obligation of States to respect, protect and fulfil children's rights (art. 4). Appendix 1 provides a highlevel overview to assist with the adoption of mokopuna rights in climate responses and may also be helpful to assess the implementation of mokopuna participation in community-led climate responses. The UN Committee emphasises that:

"States are obliged to devote financial, natural, human, technological, institutional and informational resources to realize children's rights in relation to the environment to the maximum extent of their available resources and, where needed, within the framework of international cooperation."54

- 50. The GMI as identified by the UN Committee are intended to support the development of legislation, policies and practices that promote the full enjoyment of all rights in the Children's Convention for all mokopuna. This is to ensure that the Children's Convention is effectively implemented as a whole, and that government takes a coordinated approach which is consistently applied across local and central government as well as by communities, organisations and businesses. 55
- 51. Mokopuna must be actively involved and engaged in climate responses at a community, local, national, and international level. By upholding the rights of mokopuna and enabling them to have a say in community-led climate adaptation, government will not only support mokopuna to be more resilient in the face of climate change, but will also support communities to listen to the voices of mokopuna and guarantee their right to participate in decisions that impact them (consistent with Article 12 of the Children's Convention).

⁵⁵ UN Committee on the Rights of the Child (CRC), General comment no. 5 (2003): General measures of implementation of the Convention on the Rights of the Child, 2003, CRC/GC/2003/5,



⁵³ Office of the Children's Commissioner and Oranga Tamariki. What Makes a Good Life? Children and young people's views on wellbeing. p.41. 2019. Refer here: What Makes a Good Life? | Mana Mokopuna

⁵⁴ General Comment No. 26, Committee on the Rights of the Child, 2023. Cite: General comment No. 19 on public budgeting for the realization of children's rights, para. 75. 2016.

Conclusion



"Every single one of these young people here today is playing a key part in democracy. These young people are the hope we have been waiting for."

(Sophie Hanford, (former) Coordinator of School Strike 4 Climate NZ)⁵⁶

52. Mana Mokopuna recommends using General comment No.26 as a guiding framework to prioritise mokopuna as a priority group and enable mokopuna to participate in environmental and climate-related work. It is an important step in upholding and advancing children's rights, prioritising and safeguarding their interests and well-being, and meeting our international obligations. By utilising General comment No.26, the government can uphold the rights of mokopuna and ensure that they can have a meaningful say in decisions that will impact their daily lives and their futures, while recognising their status as citizens today, and of the future.



⁵⁶ Tens of thousands of school students demonstrate across NZ calling for action on climate change | Stuff.co.nz

Appendix 1: General Measures of Implementation

The following table provides an overview of the General Measures of Implementation as emphasised in General Comment No.26, and how they are relevant to assess how mokopuna rights can be progressed in climate responses.

General Measures of Implementation	Ensuring Mokopuna rights are progressed in climate responses
Child rights impact assessments	 All proposed environment-related legislation, policies, projects, regulations, budgets and decisions, and those already in force, require robust children's rights impact assessments, in accordance with Article 3(1) of the Children's Convention.
	 Children's rights impact assessments should be undertaken as early as possible in the decision-making process, at crucial stages of decision-making and in follow up to the measures taken. Please refer - <u>Child Impact</u> <u>Assessment Tool - Ministry of Social Development</u> (msd.govt.nz)
	 Assessments should be conducted with the participation of children and due weight should be given to their views and those of thematic experts. The findings should be published in child-friendly language and in the languages that children use.
Children's rights and the business sector	Businesses have the responsibility to respect children's rights in relation to the environment.
	Business activity is a source of significant environmental damage, contributing to child rights abuses.
	 States have obligations to provide a framework to ensure that businesses respect children's rights through effective, child-sensitive legislation, regulation, [] and awareness- raising measures.
	The UN Committee recommends the development by businesses, in partnership with stakeholders, including children, of due diligence procedures that integrate children's rights impact assessments into their operations.
Access to justice and remedies	 States should provide access to justice pathways for children, including complaint mechanisms that are child- friendly, gender-responsive and disability-inclusive, to ensure their engagement with effective judicial, [] for violations of their rights relating to environmental harm.
	 Mechanisms should be available for claims of imminent or foreseeable harms and past or current violations of children's rights. States should ensure that these mechanisms are readily available to all children under their jurisdiction, without discrimination.
International cooperation	States have an obligation to take action, through international cooperation, separately and jointly, through

- international cooperation, to respect, protect and fulfil children's rights.
- The Children's Convention should be a core consideration in global environmental decisions, including in States' international mitigation, adaptation and loss and damage strategies.⁵⁷
- States have an individual responsibility to mitigate climate change in order to fulfil their obligations under the Convention and international environmental law, including the commitment contained in the Paris Agreement to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels by 2030.⁵⁸
- States should cooperate in good faith in the
 establishment and funding of global responses to address
 environmental harm suffered by people in vulnerable
 situations, paying particular attention to safeguarding the
 rights of children in the light of their specific
 vulnerabilities to environment-related risks and
 addressing the devastating impact of both sudden- and
 slow-onset forms of climate disruption on children, their
 communities and their nations.

⁵⁸ Paris Agreement, art. 4 (2). and *Sacchi et al. v. Argentina* (CRC/C/88/D/104/2019), para. 10.6. See also *Sacchi et al. v. Brazil* (CRC/C/88/D/105/2019), Sacchi et al. v. France (CRC/C/88/D/106/2019) and *Sacchi et al. v. Germany* (CRC/C/88/D/107/2019) and *Sacchi et al. v. Turkey* (CRC/C/88/D/108/2019).



⁵⁷ United Nations Framework Convention on Climate Change, art. 4 (5); and Paris Agreement, art. 9 (1).

Appendix 2: Examples of community climate initiatives

Examples of community-led practices and mokopuna participation

Noho Taiao, Te Rarawa Anga Mua: Kaitiakitanga (Northland) – "For more than 10 years Noho Taiao has brought our taitamariki together to expand their horizons, focus on the pressing environmental issues facing hapū and iwi, and to build their cultural esteem." Noho Taiao, Te Rarawa Anga Mua : Kaitiakitanga - Story - Northland Regional Council (nrc.govt.nz)

Research: Noho Taiao: reclaiming Māori science with young people (sagepub.com)

Future Curious: Sustainability education and engagement – A case study which highlights the incredible value of engaging with children and young people, ensuring they have the opportunity to participate in matters that interest and affect them.

<u>Christchurch City Council engagement</u> <u>with students to adapt to and reduce the</u> <u>impact of climate change</u>

Video: https://youtu.be/GWeG_UEMf-E

Regenerate Christchurch - Children's views on the Ōtākaro Avon River - Regenerate Christchurch showed best practice when they engaged children aged five to twelve years old in the engagement and planning process for the Ōtākaro Avon River Corridor regeneration.

<u>Children's views on the Ōtākaro Avon</u> <u>River | Mana Mokopuna</u>

Video: https://youtu.be/uFJy7OePkYo

Growing indigenous youth participation in climate change decision-making – A research project which will work with mokopuna in Canterbury schools with a high risk of flooding

Mana Rangatahi: Climate change decision-making | Deep South Challenge

Video: https://vimeo.com/731971697

Te Taiwhanga Rangatahi - is an equity-led youth design lab helping business, central and local government understand rangatahi through rangatahi.

<u>Taiwhanga Rangatahi — The Lab</u> (aucklandco-lab.nz)

Handing power over: why Council hired rangatahi to design the mahi | Stuff.co.nz

Common Unity Project Aotearoa – a kaupapa that connects, empowers and activates communities to exercise sovereignty over their food systems, starting in our own backyard of Te Puni (Epuni Fairfield), Te Awa Kairangi ki Tai (Lower Hutt).

<u>Common Unity</u> (<u>commonunityproject.org.nz</u>)

Enviroschools - Enviroschools is a nationwide programme supported by Toimata Foundation, founding partner Te Mauri Tau, and a large network of regional partners. Early childhood centres and schools commit to a long-term sustainability journey, where tamariki/students connect with and explore the environment, then plan, design and take action in their local places in collaboration with their communities.

Enviroschools | Celebrating Student
Leadership and Vision - Involving young
people in decision-making and action
enables them to become active
environmental citizens for life, and
enriches the development of the whole
learning community.

Mana taonga in action: Cyclone Gabrielle Ngāti Kahungunu Mana Taonga - Cyclone Gabrielle response - An example of iwi recovery in Ngāti Kahungunu | Te Papa's exercising the protection of their taonga in the Blog recovery of Cyclone Gabrielle, supported by Te Papa. New UN guidance on youth and climate New UN guidance on youth and climate change will make a 'huge difference' | | change will make a 'huge difference' - Āniva Clarke, a 17-year-old climate activist from **UN News** Samoa and Aotearoa interview about her involvement in the Children's Advisory Team supporting the consultation process of the General Comment No.26. Other Relevant Academic Research Sanson, Ann V., Judith Van Hoorn, and Susie EL Responding to the Impacts of the Burke. "Responding to the impacts of the Climate Crisis on Children and Youth climate crisis on children and youth." Child (wiley.com) Development Perspectives 13, no. 4 (2019): 201-207. Berryman, Mere, Elizabeth Eley, and David <u>Listening and Learning from Rangatahi</u> Copeland. "Listening and Learning from Māori: the Voices of Māori Youth Rangatahi Māori: The Voices of Māori Youth." Critical Questions in Education 8, no. 4 (2017): 476-494. Papprill, Jocelyn. "Active citizenship for a Active citizenship for a sustainable future: sustainable future: Beyond school Beyond school learning | New Zealand learning." Journal issue 3 (2016). Council for Educational Research (nzcer.org.nz) Simon, Katy, Gradon Diprose, and Amanda C. Community-led initiatives for climate Thomas. "Community-led initiatives for climate adaptation and mitigation

adaptation and mitigation." *Kōtuitui: New*Zealand Journal of Social Sciences Online 15,
no. 1 (2020): 93-105.

Education Review Office - Stories of Resilience and Innovation in Schools and Early Childhood Services: Canterbury Earthquakes: 2010-2012 Stories-of-Resilience-and-Innovation-in-Schools-and-Early-Childhood-Services-Canterbury-Earthquakes-2010-2012web.pdf (ero.govt.nz)