



**NEW ZEALAND CENTRE FOR ENVIRONMENTAL LAW (NZCEL)**

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Rt Hon. Jacinda Ardern  
Prime Minister

Hon. Nanaia Mahuta  
Minister for Foreign Affairs

Cc: Hon. James Shaw  
Minister of Climate Change; and  
Hon. David Parker  
Minister for the Environment, Oceans and Fisheries; and  
Hon. Aupito William Sio  
Minister of Pacific Peoples

17 June 2022

Dear Prime Minister and Minister Mahuta,

We write this open letter requesting that the Government of Aotearoa New Zealand take leadership in support of the Vanuatu Government and the campaign for an Advisory Opinion from the International Court of Justice ('ICJ') on human rights and climate change.

Your Government has already indicated general support, but more can and must be done as a matter of urgency. The Government expressed 'in principle' support for an ICJ Advisory Opinion on the climate change obligations of states, in a 2019 communication to the leadership of Pacific Islands Students Fighting Climate Change (PISFCC).<sup>1</sup> A letter from Minister Mahuta to PISFCC (4 October 2021) went further.<sup>2</sup> Climate change was identified as a "first order priority for Aotearoa New Zealand". This letter expressed an intention to work closely with Pacific Island partners to "seek ambitious action". It also affirmed that an ICJ Advisory Opinion on climate change and human rights would be a "significant development" and acknowledged its potential as a "constructive proposal" that draws attention to the urgency of climate change. Finally, this letter referred to United Nations

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<sup>1</sup> Attachment #1: Email 23 September 2019.

<sup>2</sup> Attachment #2: Letter 4 October 2021.

General Assembly discussions and a willingness to engage with Vanuatu and Pacific partners.

The purpose of this letter is to ask your Government (as a matter of urgency) to increase your efforts in support the ICJ Advisory Opinion initiative. This could be achieved by working constructively with Vanuatu and likeminded governments to raise awareness and actively build the necessary coalition of supportive states in the Pacific region and internationally. Ensuring the initiative is on the agenda at forthcoming meetings such as the upcoming Pacific Island Forum and Commonwealth Heads of Government Meeting will also be important. Leadership in support of Vanuatu's proposal should extend to engaging directly in the drafting the legal question (in due course), with a view to becoming a co-sponsor of the necessary United Nations General Assembly Resolution.

In the period since October 2021, much has been achieved by Pacific Island youth who began the campaign and their international supporters. It is now a global youth campaign, co-led by World Youth for Climate Justice. They have been working hard to raise global awareness of the constructive value of an Advisory Opinion. In March this year, the Conference of Heads of Government of the Caribbean Community (CARICOM) expressed their support for the efforts of Vanuatu.<sup>3</sup> On 5 May 2022 the Prime Minister of Vanuatu launched the global civil society campaign.<sup>4</sup> Momentum is building but more can be done by your Government to actively support this initiative within and beyond the Pacific region.

In the mid 1990s a generation of our political leaders had the wisdom and foresight to actively support a civil society initiative that resulted in an Advisory Opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons. The resultant 1996 Nuclear Weapons Advisory Opinion became a landmark legal decision. As the political leaders of today we are calling upon you to demonstrate Aotearoa New Zealand's active commitment to intergenerational justice. Humanity faces a climate emergency, the existential risks and threats to peace and security are as real and as avoidable as those posed by nuclear weapons.

Your Government has frequently employed concepts of intergenerational justice in policy and law. It has supported its use in a growing number of statutes, including the Climate Change Response (Zero Carbon) Amendment Act 2019. The Government of Aotearoa New Zealand holds intergenerational responsibility for the peoples of this nation and of the

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<sup>3</sup> <https://caricom.org/communique-thirty-third-inter-sessional-meeting-of-caricom-heads-of-government/>. Page 10/20.

<sup>4</sup> Attachment # 3: Keynote Address, P M. Hon. Bob Loughman (5 May 2022). The ICJAO Alliance is reportedly comprises 1,500 civil society organisations from 130 nations (<https://amp.theguardian.com/cdn.ampproject.org/c/s/amp.theguardian.com/world/2022/may/11/vanuatus-push-for-legal-protection-from-climate-change-wins-crucial-support>).

Pacific. It also espouses the value and significance of kaitiakitanga.<sup>5</sup> Proactive leadership in support for an ICJ Advisory Opinion would (to quote the Prime Minister) ensure our nation ‘tackles head on’ this generation’s ‘nuclear free moment’.<sup>6</sup>

Yours sincerely,

Prue Taylor  
Deputy Director NZ Centre for Environmental Law

Professor Caroline Foster  
Co-Director NZ Centre for Environmental Law

Professor David Grinlinton  
Co-Director NZ Centre for Environmental Law

Professor Klaus Bosselmann  
(former Director NZ Centre for Environmental Law)

Jayden Houghton  
Lecturer, Faculty of Law, University of Auckland  
Te Tai Haruru and  
NZ Centre for Environmental Law

(Please note, this letter should not be understood to represent the views of the University of Auckland or the University of Auckland, Faculty of Law.)

Dr Kate Dewes ONZM  
(former Director Disarmament and Security Centre)

Commander Robert Green RN (Ret'd)  
(former Director Disarmament and Security Centre)

Professor Kevin P Clements,  
Director Toda Peace Institute, Tokyo Japan

Tony Angelo QC  
Emeritus Professor, Victoria University of Wellington

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<sup>5</sup> Speech by Hon Nanaia Mahuta “Aotearoa New Zealand Sustainable Development Goals Summit 2021”:  
<https://www.beehive.govt.nz/speech/aotearoa-new-zealand-sustainable-development-goals-summit-2021>

<sup>6</sup> Prime Minister’s 2017 Election Campaign speech, 20 August 2017.

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International Representative, Aotearoa Lawyers for Peace

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Lecturer, Faculty of Law, University of Auckland

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Director PET Southern Star  
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Hon Peter Salmon CNZM QC

Archbishop Emeritus Sir David Moxon  
Anglican Church in Aotearoa, New Zealand and Polynesia

Lady Tureiti Moxon  
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Barry Coates  
Founder and CEO, Mindful Money

Ms Pefi Kingi QSM,  
Pacific civil society leader  
Pacific Focal Point Migration'  
Founder, PacificwinPacific and founder, Pacific Australian Womens Association

Helen Hughes CBE,CRSNZ  
(former Parliamentary Commissioner for the Environment)

Dr J Morgan Williams QSO  
(former Parliamentary Commissioner for the Environment)

Dr Jan Wright CRSNZ  
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Hon Matt Robson  
(former Minister for Overseas Development Aid , Minister for Disarmament and Arms  
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2007 IPCC Nobel Peace Prize Contributor

Zebedee Stone  
Acting Executive Director, Amnesty International Aotearoa New Zealand

Dr Kennedy Graham  
(former United Nations official and Member of Parliament)

Caleb Pollard  
President Pacific Islands Students Fighting Climate Change

Solomon Yeo  
Solomon Islander, Board Member on behalf of World's Youth for Climate Justice

Archbishop Philip Richardson – Archbishop and Primate of the Tikanga Pakeha of the  
Anglican Church in Aotearoa, New Zealand and Polynesia

Archbishop Don Tamihere - Archbishop and Primate of the Tikanga Māori of the Anglican  
Church in Aotearoa, New Zealand and Polynesia

Rev Fieta Ikitoelagi-Faitala, Moderator of Pacific Presbytery, Presbyterian Church of Aotearoa New Zealand

Right Reverend Hamish Galloway, Moderator of the General Assembly, Presbyterian Church of Aotearoa New Zealand

Marina Rakuraku, Moderator of Te Aka Puaho, Presbyterian Church of Aotearoa New Zealand

Rev. Suamalie Naisali Tafaki Iosefa Naisali, MBE. JP., President Pacific Climate Change Action Forum, Executive Member Pacific Leadership Forum, Chairman Tuvalu Inter-Faith Ministers Forum

Sophie Handford, Co-coordinator of the NZ 2019 Climate Strikes

Professor Jonathan Boston ONZM, School of Government

Dr Joanna Spratt, Interim Executive Director, Oxfam, Aotearoa



**World's Youth  
for Climate  
Justice**



**PACIFIC ISLANDS  
STUDENTS FIGHTING  
CLIMATE CHANGE**



**OXFAM**  
Aotearoa



**Generation Zero**