

Caroline Morris · Jonathan Boston
Petra Butler *Editors*

Reconstituting the Constitution

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both their generation and future generations.¹³⁰ Thus, the claim provided the Court with a unique opportunity to examine the scope of the Constitution's environmental right.

While the Supreme Court did not award the remedies sought, rather sending the issue back to the trial court,¹³¹ there was a judicial acknowledgement that there had been a significant breach of the right to a balanced and healthful ecology. Significantly, Davide J's judgment, delivered on behalf of the majority, illustrated the way in which such rights can effectively operate to protect the needs of future generations. It was stated:

This case, however, has a special and novel element. Petitioners minors assert that they represent their generation as well as generations yet unborn. We find no difficulty in ruling that they can, for themselves, for others of their generation and for the succeeding generations, file a class suit. Their personality to sue in behalf of the succeeding generations can only be based on the concept of intergenerational responsibility insofar as the right to a balanced and healthful ecology is concerned. Such a right, as hereinafter expounded, considers the "rhythm and harmony of nature." Nature means the created world in its entirety. Such rhythm and harmony indispensably include, inter alia, the judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources to the end that their exploration, development and utilization be equitably accessible to the present as well as future generations. Needless to say, every generation has a responsibility to the next to preserve that rhythm and harmony for the full enjoyment of a balanced and healthful ecology. Put a little differently, the minors' assertion of their right to a sound environment constitutes, at the same time, the performance of their obligation to ensure the protection of that right for the generations to come.¹³²

In *Oposa*, the Court also examined whether the way in which the right was formulated in the Constitution had any impact upon its effectiveness. For instance, noting that the right to a balanced and healthy ecology was included within the Declaration of Principles and State Policies rather than the Bill of Rights section, the majority emphasised that this was not indicative of the right's comparative importance. Indeed, it was stated that the framers of the Constitution were of the opinion that, unless the rights to a balanced and healthful ecology and to health were mandated as State policies by the Constitution itself, "the day would not be too far when all else would be lost not only for the present generation, but also for those to come - generations which stand to inherit nothing but parched earth incapable of sustaining life".¹³³ It was further emphasised that the right to a balanced and

¹³⁰ See discussion in Allen (1994), p. 713.

¹³¹ Gatmaytan (2003), p. 467. The claimants had sought a cancellation of all timber licences in the country and an order that the government cease and desist from receiving, accepting, processing, renewing or approving new timber licence agreements. Such a request was made on the premise that such remedies would "prevent the misappropriation or impairment" of the Philippine rainforests and would "arrest the unabated haemorrhage of the country's vital life support systems."

¹³² *Oposa v Factoran* (1995) 33 I.L.M. 173, at 185.

¹³³ *Oposa v Factoran* (1995) 33 I.L.M. 173, at 188.

healthful ecology carried with it the correlative duty to refrain from impairing the environment.¹³⁴ Thus, the inclusion of the right within the State policy section did not deter the Court from recognising the role that the right could play in enhancing environmental protection.

While the recognition of biological diversity principles in the national constitutions of Brazil and the Philippines can be seen as a significant step towards ensuring attainment of environmental goals, commentators have raised questions as to whether the environmental provisions have fulfilled their much-anticipated potential. For instance, the effectiveness of the Brazilian constitutional provisions has been questioned in light of the fact that, although progress has been made in the enactment of environmental legislation since the introduction of the Constitution, the potential for environmental litigation to occur is limited by bureaucratic systems which render such litigation slow, impractical and expensive.¹³⁵

Similarly, while it was anticipated that the *Oposa* decision would hold great promise for enhancing the state of the environment in the Philippines, it has been acknowledged that the decision has had minimal practical effect. For instance, as noted above, the decision did not result in the cancellation of the timber licensing agreements at issue in the case, as the Supreme Court remanded the case back to the trial court for further proceedings. Moreover, the decision has not been seen to have had any great influence on policies or legislation enacted after the decision.¹³⁶

However, while it has been recognised that the constitutional provisions may not have resulted in the tangible results in the Philippines that were anticipated, the inclusion of the provisions in the national constitutions has still been seen as beneficial. Both the symbolic value granted to environmental protection through including environmental rights within a constitution and the potential impact that domestic jurisprudence may have on the development of environmental norms at international (and national) law have been viewed as significant. For instance, Manguit and Paolo argue that the Supreme Court's decision in *Oposa* has been influential in the development of international environmental law.¹³⁷ Moreover, it has been emphasised that the *Oposa* decision provides support for the growing legal legitimacy of the environmental rights of future generations.¹³⁸

Finally, a truly significant development in constitutional environmental protection was the promulgation of Ecuador's constitution in September 2008. The constitution was the first national constitution to recognise the rights of nature explicitly. The Chapter on the environment provides:

¹³⁴ *Oposa v Factoran* (1995) 33 I.L.M. 173, at 188.

¹³⁵ Fernandes (1996), p. 282.

¹³⁶ Socorro et al. (2003), p. 488.

¹³⁷ Socorro et al. (2003), p. 496.

¹³⁸ Allen (1994), p. 741. For discussion of the benefits of granting wide standing requirements in environmental cases see Cusack (1993), p. 201.

Art. 1. Nature or Pachamama, where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.

Every person, people, community or nationality, will be able to demand the recognition of rights for nature before public institutions. The application and interpretation of these rights will follow the related principles established in the Constitution.

Art. 2. Nature has the right to an integral restoration. This integral restoration is independent of the obligation of natural and juridical persons or the State to indemnify the people and the collectives that depend on the natural systems.

In case of severe or permanent environmental impact, including that caused by the exploitation of non renewable natural resources, the State will establish the most efficient mechanisms for restoration, and will adopt adequate measures to eliminate or mitigate the harmful environmental consequences.

Art. 3. The State will motivate natural and juridical persons as well as collectives to protect nature; it will promote respect towards all the elements that form an ecosystem.

Art. 4. The State will apply precaution and restriction measures in all the activities that can lead to the extinction of species, the destruction of the ecosystems or the permanent alteration of the natural cycles.

The introduction of organisms and organic and inorganic material that can alter the national genetic heritage in a definitive way is prohibited.

Art. 5. The persons, people, communities and nationalities will have the right to benefit from the environment and from natural wealth that will allow wellbeing.

The introduction of these constitutional provisions has been viewed by environmental protection groups as a groundbreaking development in the field of constitutional environmental protection.¹³⁹ The promulgation of these provisions can be seen to illustrate the beginning of an acceptance that effective environmental protection requires national recognition that nature must be protected in its own right.

References

- Aldred J (2007) UN chief: world 'must act now' on climate change. <http://www.guardian.co.uk/environment/2007/dec/12/bali.climatechange2>
- Allen T (1994) The Philippine children's case: recognising legal standing for future generations. *Georgetown Int Environ Law Rev* 6:713–742
- Anderson M (1996) Human rights approaches to environmental protection: an overview. In: Boyle A, Anderson M (eds) *Human rights approaches to environmental protection*. Clarendon, Oxford, pp 1–24
- Angas G (1847) *Savage life and scenes in Australia and New Zealand*. Smith Elder & Co, London
- Arndt D, Baringer M, Johnson M (2010) State of the Climate in 2009. *Bulletin of the American Meteorological Society* 91
- Asia Pacific Forum of National Human Rights Institutions (2007a) Human rights and the environment background paper. <http://www.asiapacificforum.net>
- Asia Pacific Forum of National Human Rights Institutions (2007b) Human rights and the environment: final report and recommendations <http://www.asiapacificforum.net>

¹³⁹ See generally, Koons (2008); Newman (2009); Mychaeljko (2008).

- Asia Pacific Forum of National Human Rights Institutions (2008) Part 1: Report ACJ reference on human rights, corporate accountability and government responsibility
- Australian Human Rights and Equal Opportunity Commission (2008) Human rights and climate change: background paper. <http://www.humanrights.govt.au>
- Bertram G (2010) Mining's impact on tourism. Paper prepared for the forest and bird protection society of New Zealand. <http://www.forestandbird.org.nz>
- Boyle A (1996) The role of international human rights law in the protection of the environment. In: Boyle A, Anderson M (eds) Human rights approaches to environmental protection. Clarendon, Oxford, pp 43–70
- Brandl E, Bungert H (1992) Constitutional entrenchment of environmental protection: a comparative analysis of experiences abroad. *Harvard Environ Law Rev* 16:1–100
- Brown Weiss E (1992) In fairness to future generations and sustainable development. *Am Univ J Int Law Policy* 8:19–26
- Bruckerhoff J (2008) Giving nature constitutional protection: a less anthropocentric interpretation of environmental rights. *Texas Law Rev* 86:615–646
- Climitaco (2010) Post Copenhagen De-Briefing. <http://www.climitacoanalysis.org/wp-content/uploads/2010/01/post-cop15-report52.pdf>
- Cusack M (1993) Judicial interpretation of state constitutional rights to a healthy environment. *Boston Coll Environ Aff Law Rev* 20:173–202
- de Sadeleer N (2002) Environmental principles: from political slogans to legal rules. Oxford University Press, Oxford
- Douglas-Scott S (1996) Environmental rights in the European Union: participatory democracy or democratic deficit? In: Boyle A, Anderson M (eds) Human rights approaches to environmental protection. Clarendon, Oxford, pp 89–108
- Emmenegger S, Tschentsche A (1994) Taking nature's rights seriously: the long way to biocentrism in environmental law. *Georgetown Int Environ Law Rev* 6:545–593
- Eurick J (1999–2001) The constitutional right to a healthy environment: enforcing environmental protection through state and federal constitutions. *Int Legal Persp* 11:185–222
- Fernandes E (1996) Constitutional environmental rights in Brazil. In: Boyle A, Anderson M (eds) Human rights approaches to environmental protection. Clarendon, Oxford, pp 265–284
- Gatmaytan D (2003) The illusion of intergenerational equity: *Oposa v Factoran* as Pyrrhic victory. *Georgetown Int Environ Law Rev* 15:457–487
- Gillespie A (2003/2004) Small Island States in the face of climatic change: the end of the line in international environmental responsibility. *UCLA J Environ Law Policy* 22:107–130
- Glazebrook S (2009) Human rights and the environment. *Victoria Univ Wellington Law Rev* 40:293–351
- Handl G (2001) Human rights and protection of the environment. In: Eide A, Krause C, Rosas A (eds) Economic, social and cultural rights. Kluwer Law, Haag, pp. 303–308
- Hayward T (2000) Constitutional environmental rights: a case for political analysis. *Polit Stud* 48:558–572
- Hill B, Wolfson S, Targ N (2004) Human rights and the environment: a synopsis and some predictions. *Georgetown Int Environ Law Rev* 16:359–402
- Hoffman D, Rowe J (2009) Human rights in the United Kingdom. Longman, London
- James C (2010) New ways of thinking about water and the environment. *The Dominion Post*, 20 September
- Jeffery M (2005) Environmental governance: a comparative analysis of public participation and access to justice. *J South Pac Law* 9:1–16
- Kiss A, Shelton D (2007) Guide to international environmental law. Koninklijke Brill NV, Leiden
- Klein U (2000) Belief-views on nature-western environmental ethics and Māori world views. *N Z Env Law J* 81:81–119
- Koons J (2008) Ecuador's new constitution gives inalienable rights to nature. <http://www.greenchange.org/article>

- Macdonald C (2000) What constitutes our nation: how do we express ourselves? In: James C (ed) Building the constitution. Institute of Policy Studies, Wellington, pp 81–87
- Majurey P, Whata C (2005) Māori and environmental law. In: Nolan D (ed) Environmental and resource management law. LexisNexis, Wellington, Ch. 15
- Manhire B (2000) Inspiring words, two themes and a wee touch of Mongrel. In: James C (ed) Building the constitution. Institute of Policy Studies, Wellington, pp 77–80
- Marks S (2004) Human right to development: between rhetoric and reality. *Harvard Hum Rights J* 17:137–169
- Mychaeljko C (2008) Ecuador's constitution gives rights to nature. <http://upside-down-world.org>
- New Zealand Human Rights Commission and Pacific Islands Forum Secretariat (2007) National human rights institutions: pathways for the pacific states Pacific Human Rights Issues Series One. <http://www.hrc.co.nz>
- New Zealand Law Commission (2006) Converging currents: custom and human rights in the pacific. Study Paper 17
- Newman S (2009) Ecuador's constitution gives rights to mother nature. <http://candobetter.org/node/1746>
- Olembo R (1992) The potential effectiveness of a new biological diversity convention. In: Bilderbeek S (ed) Biological diversity and international law: the effectiveness of international environmental law. Ios Press, Amsterdam
- Orange C (2004) An illustrated history of the treaty of Waitangi. Bridget Williams Books, Wellington
- Palmer K (2005) Introduction to environmental law. In: Nolan D (ed) Environmental and resource management law. LexisNexis, Wellington, Ch. 1
- Power S (2010) UN declaration on the rights of indigenous peoples—government support. http://www.parliament.nz/en-NZ/PB/Debates/Debates/6/5/a/49HansD_20100420_00000071-Ministerial-Statements-UN-Declaration-on.html
- Redgwell C (1991) Intergenerational equity and global warming. In: Churchill R, Freestone D (eds) International law and global climate change. Graham and Trotman, London
- Reeves P (1998) Collective human rights of pacific peoples. In: Tomas N, Haruru T (eds) Collective human rights of Pacific peoples. International research unit for Māori and indigenous education. University of Auckland, Auckland, pp 11–16
- Rodriguez-Rivera L (2001) Is the human right to environment recognized under international law? it depends on the source. *Colorado J Int Environ Law Policy* 12:1–46
- Rosas A (2001) The right to development. In: Eide A, Krause C, Rosas A (eds) Economic, social and cultural rights: a textbook. Kluwer Law International, The Hague, pp 119–132
- Sands P (2003) Principles of international environmental law. Cambridge University Press, Cambridge
- Sharpe R, Swinton K, Roach K (2002) The charter of rights and freedoms. Irwin Law, Toronto
- Shelton D (1991) Human rights, environmental rights, and the right to environment. *Stanford J Int Law* 28:103–138
- Shelton D (1992) What happened in Rio to human rights? *Yearbook of Int Environ Law* 3:75–93
- Shelton D (2002a) Background Paper No 1: human rights and environment issues in multilateral treaties adopted between 1991 and 2001. Paper presented at the Joint UNEP-OHCHR Expert seminar on human rights and the environment, Geneva, 14–16 January
- Shelton D (2002b) Human rights, health and environmental protection: linkages in law and practice. Health and human rights working paper series no 1: A background paper for the world health organisation
- Smith G (2009) In Ecuador trees now have rights. *Earth J* 23:15
- Socorro Z, Manguit M, Yu V (2003) Maximising the value of *Oposa v Factoran*. *Georgetown Int Env Law Rev* 15:487–498
- Standertskjöld H (2010) Climate change and energy security post-Copenhagen. <http://ec.europa.eu/delegations/singapore>

- Stone C (1972) Should trees have standing: legal rights for natural objects. *Southern California Law Rev* 45:450–501
- Stone C (1996) Epilogue: “Trees” at twenty five. In: Stone C (ed) *Should trees have standing? and other essays on law, morals and the environment*. Oceana Publications, New York
- Stone C (2010) *Should trees have standing? Law, morality, and the environment*. Oxford University Press, Oxford
- Sunstein C (2007) *Worst case scenarios*. Harvard University Press, Cambridge
- Taylor P (1998) From environmental to ecological human rights: a new dynamic in international law. *Georgetown Int Env Law Rev* 10:309–398
- Taylor P (1999) The case concerning the *Gabčíkovo-Nagymaros* project: a message from the Hague on sustainable development. *N Z J Env Law* 3:109–126
- Techera E (2006) Samoa law custom and conservation. *N Z J Environ Law* 10:361–379
- Temple P (2000) What are our myths? In: James C (ed) *Building the constitution*. Institute of Policy Studies, Wellington, pp 98–101
- Thaman K (1998) A Pacific Island perspective of collective human rights. In: Tomas N, Haruru T (eds) *Collective human rights of Pacific Peoples*. International Research Unit for Māori and Indigenous Education. University of Auckland, Auckland, pp 1–10
- The United Nations Development Programme (2000) *Human rights and human development*. <http://www.undp.org>
- Trouwborst A (2009) The precautionary principle and the ecosystem approach in international law: differences, similarities and linkages. *Rev Eur Commun Int Law* 1:26–37
- United Nations (1987) Report of the world commission on environment and development: our common future. UN Doc A/4/427
- United Nations (2004) United nations report of the world summit on sustainable development. UN Doc A/CONF.199/20
- United Nations Environment Programme (2009) *Impacts of climate change coming faster and sooner: new science report underlines urgency for governments to seal the deal in Copenhagen*
- United Nations Environment Programme (2010) *Dead planet, living planet: biological diversity and ecosystem restoration for sustainable development*
- Volkman-Carlsen K (2009) The emancipated earth. <http://www.utne.com/Environment/Emancipated-Earth-Ecuador-Land-Nature-Rights.aspx?page=2>
- Waitangi Tribunal (1985) Report of the Waitangi tribunal on the Manakau Claim (Wai 8)

Chapter 26

A Youth Perspective on Changing the Constitution

Rayhan Langdana

26.1 Introduction

For most people of my generation – the “young adults” of our society – politics is something that we have largely left alone. This apparent apathy isn’t born from a lack of interest in politics: on the contrary, we simply feel so far removed from the political sphere that our involvement in it seems somewhat redundant. We willingly exclude ourselves from our parents’ political discourse, because such conversation is not in line with our uncomplicated existences. However, over the course of the last two years, the conversation in the schoolyard has gradually shifted from the mundanity of English football and Grey’s Anatomy to more relevant topics. This change began in 2008 when our entire society was gripped by the United States and New Zealand elections. At first, discussing politics at school lent a feeling of sophistication and maturity to our lunchtimes, but after watching all we could of Obama and McCain on the campaign trail, we began forming opinions of our own. We aimed to think deeper than “One’s a great guy and the other’s like George W Bush, because I heard someone on the radio say so”. This year, the interest and thought given to political issues has increased even more as one by one, my friends and I have realised that in one short year, we will be voting. Politics, the government and the constitution aren’t that alien to us anymore.

What this means is that we have begun reading the papers and watching the news. We’ve started listening to the radio and arguing with our teachers over issues like mining and climate change. Political discussion in class means that the rugged rugby player can, for once, strongly agree with the stumbling student librarian.

Rayhan Langdana is Head Prefect 2011, Wellington College. Winner of the Race Unity Day Speech Award, Human Rights Commission 2009.

R. Langdana (✉)

17 Mataroa Avenue, Northland, Wellington 6012, New Zealand

e-mail: falianu@paradise.net.nz

However, increased interest in this world that was once so foreign is not enough to create a generation of politically conscious people. The interest must be matched with involvement. Parliamentary decisions should be made only after having consulted the youth. Using this conference's theme of reconstituting the constitution, I will examine the following questions:

- What would the effects of New Zealand becoming a republic have upon the youth of the country?
- What would changing electoral law mean for the youth of this country?
- To what extent should the youth of New Zealand be consulted and included in politics?

26.2 New Zealand as a Republic

This first issue of New Zealand becoming a republic is one that has been widely discussed and debated over the last few years. In my eyes, the arguments for becoming a republic are as follows.

New Zealanders have the right to have a New Zealand Head of State. Republican movements argue that despite her best intentions, the Queen, our current Head of State, acts in the best interests of Britain. In becoming a republic, New Zealand will become truly independent – the nationalism fostered on the hills of Gallipoli can finally express itself unencumbered.

New Zealand will attain a stronger sense of national identity should it fully remove itself from Britain. This will allow the further cultivation of a truly New Zealand culture.

New Zealand doesn't need Britain like it used to. Former Prime Minister Jim Bolger said that "the tide of history is moving in one direction" and this tide carries New Zealand away from her Motherland. This moving away from Britain has been observed since the end of the Second World War, when New Zealand looked to other nations (such as Australia and the United States) for economic and security co-operation. When Britain joined the then European Economic Community in 1973, it meant that the hitherto strong tie between our nations (trading) was severely stretched. Prior to 1945 New Zealand had little need or incentive to forge relationships with any other nation. Once World War II was over, however, and Britain had revealed herself to be a weaker power than she had been in the past, we hurriedly began investigating other options for our collective security. This, in time, led to a decreased dependence on Britain which is why today, New Zealand can survive as a republic whereas in the past, she could not.

It must be asked: how will the young adults, the "leaders of tomorrow", benefit from such a large change to the constitution? The answer is simple. Speaking as a young adult living in this country, independence is something that I want more of. As my generation grows older, we seek to become increasingly independent from both our parents and from societal norms that we feel have become outdated.

Therefore, the idea that New Zealand will be more independent should she become a republic is one which seems progressive and therefore, appeals to us. In today's day and age, New Zealand has become so multicultural that the view of Britain as the "motherland" has become heavily diluted. Many of my generation no longer have British ancestry and the ones that do – along with the rest of us – identify more with New Zealand culture than thinking of themselves as nth generation Britons. We are no longer simply a South Pacific England, nor are we Britain's farmhouse: we have developed an identity based upon years of immigration to our shores and customs carried with this. Because of all this, the retention of the Queen as our sovereign is somewhat perplexing. What this means for us is that this is something that has become outdated. This is something that hinders the development of our own identity. Why must we have a Union Jack on our flag when about 25% of our country has no British ancestry whatsoever, and when the remaining 75% are growing more and more distant from their British identities?

Society has been through significant change, and this is reflected clearly by my generation. With the generational shift away from strongly divided ideas of national identity and a move towards a more unified one, my generation simply sees the fact that we aren't a republic as a negative. As stated on the Ministry of Social Development website, "defining a national identity is not simple. New Zealand is a diverse nation, made up of many cultural groups, with many different customs and traditions. While people may describe themselves as 'New Zealanders', how they define their 'New Zealand-ness' will vary from person to person." The "one-size-fits-all" approach to national identity presented by the links to the monarchy has become outdated and is losing relevance with each passing generation.

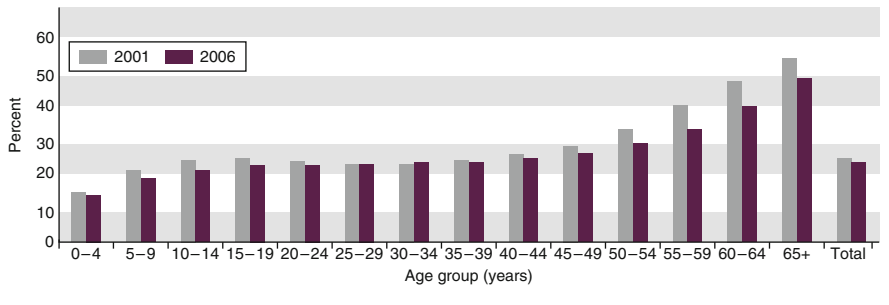
26.3 Electoral System Reform

Three major issues present themselves from a youth perspective when discussing a reform of the electoral system: the issue of Māori seats, the issue of Mixed Member Proportional (MMP) representation reform, and the issue of climate change.

26.3.1 *The Māori Seats*

Firstly, the issue of Māori seats. I believe that Māori seats should remain. The reason for this is quite simple: as our society continues to change and become increasingly multicultural, we run a great risk of losing or diminishing the culture and ideals of the first inhabitants of our nation. Keeping the Māori seats allows us to retain our heritage. At present, the Māori culture is slowly slipping from the public consciousness, exemplified by the decreasing amount of native speakers we have. From a youth perspective, however, the retaining of Māori seats has special

Table 26.1 Proportion of Māori speakers in the Māori population, by age group, 2001 and 2006



significance. In keeping Māori seats (and leaving this aspect of our constitution untouched) a clear message is sent out: New Zealand is a nation based on respect for its heritage. Retaining Māori seats is simply one aspect of promoting and increasing awareness of Māori culture and heritage; invaluable components of New Zealand society. This instils a respect for heritage among the youth (Table 26.1).

26.3.2 MMP Reform

A change that does need to be made, however, is a reform for MMP. One argument against MMP is that “the tail wags the dog”: that small parties wield disproportionate power over the parliamentary and policy agenda. Compromise – not change – is the driving force behind an MMP-based campaign and is something that is detrimental to the youth. An aim of the government should be to facilitate the development of a generation of motivated, politically in-tune young people. This will mean that, when the time comes, the nation will be in the hands of people who have been following politics their entire lives, and people who have a keen understanding of the government. This generation will only be created through witnessing a Parliament in which actual change is attained; where debates are over issues that will, on occasion, revolutionise the way our nation is run. This sparks interest and activates political consciousness. However, at present, such a generation will struggle to come about because of the middling nature of government policy.

Under MMP, all parties are too afraid to suggest any real change because it would cost them votes: it is too much of a jump to want to bring about change. Our governments under MMP have been bound by chains of conventionality to stick to the grey median: there is no real incentive for a political party to suggest bringing about change. If they do so, they will aggravate the public because of the nature of the MMP system. Should MMP be changed, my generation will see that change is able to be made and will therefore become more motivated to be involved in politics.

26.3.3 *Climate Change*

Furthermore, the issue of climate change is one that must be addressed in the constitution. We must all be clear about one thing: it is a fact. Sea levels are rising, polar ice caps melting. The Ward Hunt Ice Shelf, the largest in the Antarctic, was around for 3,000 years before it began to splinter in 2000. This issue is one that we cannot ignore. Last year, we sat back and watched the world powers at the Copenhagen summit on climate change. The outcome of this meeting that cost millions of dollars and thousands of tonnes of carbon dioxide was simply a resolution to meet again. This is not good enough, and proves the inability of major world powers such as the United States, the United Kingdom and China to leave aside their ulterior motives in order to benefit the global community. Over the upcoming years, I think it is imperative that New Zealand steps up and does what these larger powers are incapable of doing: we must adopt a leadership role on the issue. We are a small country and this can only work in our favour. We do not face soaring crime rates, vast unemployment rates and we have a high standard of living. Because of this, I believe we are in a position to devote a lot of time and energy to the issue of climate change. I am in no way suggesting that one magical conference will suddenly turn everything right, but I do believe that the one key way to solve this issue is carbon crediting. This scheme works as follows: in countries that have signed the Kyoto protocol, companies are allocated a certain amount of carbon credits a year. One carbon credit is equivalent to 1 tonne of carbon dioxide. If a company produces less carbon dioxide than its allocation, it can sell the remaining credits it has. If it exceeds its limit, it must buy credits. This scheme is effective in that it gives incentive for companies to be watchful of the amount of carbon dioxide they produce and it financially hurts those who produce too much. However, it is only compulsory in countries that have signed the Kyoto protocol. The United States, one of the world's largest producers of carbon dioxide, has not. In order to jolt countries like the United States into motion, I suggest that New Zealand impose boycotts on all major companies that do not use carbon crediting. If we do, and encourage other nations to follow suit, I believe it will create incentive for them to switch to carbon crediting. For the youth, this simply ensures that we have a world to inhabit in the future.

26.4 Youth in Parliament

Finally, I will discuss my vision for a greater inclusion of the youth in parliament. I am well aware that the following statement may sound naïve; may be perceived as saccharine idealism; but I genuinely believe that the best way for the constitution to stay relevant and applicable is for it to reflect the growing influence of the youth of this nation. Events such as Youth Parliament are very good for my generation, as they increase this political activity among us which I firmly believe benefits not only us, but the nation as a whole. However, the skills learned at such events are then left to stagnate for an indeterminate period of years (if not forever) and thus,