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Contribution  
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Deconstructing Paris  
Submission to the Ministry for the Environment  
Setting New Zealand's post-2020 Climate Change Target

Deconstructing Paris is a collaborative project, undertaken by practicing lawyers, academics, and law students of Victoria University, which aims to deconstruct the draft text and negotiations in the lead up to COP21. We seek to raise awareness of the importance of COP21, to encourage enforceable commitments and to highlight drafting errors and inconsistencies. We are committed to achieving a largely decarbonised economy by 2050.

As a member/affiliate of Deconstructing Paris, I, Joshua Tan, submit the following on New Zealand's post-2020 climate change contribution:

### **Q1: What should the Objectives for the Contribution be?**

The objectives set for New Zealand's contribution lack the necessary direction and specificity to guide government conduct. They are easily circumvented, take an overly cautious approach and do not require the government to take meaningful action on climate change. As a leader in the Pacific, with a responsibility to our island neighbours, New Zealand must clearly signal our intent to commit to meaningful reductions. The necessity of immediate action and measurable commitments must be reflected in the objectives of our climate change target.

The objectives also fail to recognise the severity of climate change. The discussion document fails to disclose the extremely high likelihood that we will be unable to cap global temperature rise at 2 °C above pre-industrial levels. Failing to explain this fact leads the rest of the document to understate what is required to avoid "dangerous" interference with the climate system. Contrary to UN objectives, it implies that the NZ government considers a breach of the 2 °C limit acceptable provided we have the necessary ambition to do our "fair share."

#### ***Objective 1***

In respect of the first of the three draft objectives, I support the sentiment behind a fair and ambitious contribution. However, I submit that defining our contribution by how "it is seen" inappropriately permits New Zealand to say one thing and yet do another. Whether our contribution is "seen" as fair and ambitious internationally or domestically is less relevant than whether it accords with what the science requires. I propose that the primary objective for the contribution be that "It is a fair and ambitious contribution, grounded in science, which reflects New Zealand's role as a Pacific leader."

#### ***Objective 2***

The secondary objective, requiring the appropriate management of costs and impacts, is important, but tips the scales in favour of inaction. To get the balance right, this objective should be amended to include benefits of climate action, not just costs and impacts. Furthermore, it should be followed by a secondary clause, which acknowledges that costs borne today reduce the costs payable in future. I submit the following amended objective two: “Costs, benefits and impacts on society be managed appropriately, while recognising our responsibility not to defer costs to future New Zealand citizens.”

### ***Objective 3***

The third objective can be commended for recognising the importance of a “transition” to a low emissions world; however it over-emphasises the global nature of this transition. Any transition requires domestic action and the object should reflect this requirement. I propose the following amended provision: “It must guide New Zealand over the long term in the transition to a low emissions world.”

## **Q2: What do you think the nature of New Zealand’s emissions and economy means for the level of target that we set?**

### ***Forestry***

New Zealand has traditionally used forestry as a carbon sink to offset our greenhouse gas emissions. Forestry is an asset that New Zealand is well equipped to utilize, and carbon sequestration through forestry ought to be encouraged with a competitive carbon price. Carbon sinks should not, however, be used at the expense of reducing CO<sub>2</sub> emissions. We must also incentivise a move to more renewable practices within emitting sectors.

### ***Transport***

17% of New Zealand’s total emissions are currently generated by transport. There is an easy opportunity to reduce this figure as New Zealand currently lacks effective public transport. Both intra and intercity public transport systems can and should be created and incentivized for wider use. I also support innovative solutions such as electric cars, car sharing, bikes for hire, and other “access, not ownership” strategies which require comparatively little capital investment, when compared with traditional models. Such solutions promote effective green mobility and reduce CO<sub>2</sub> emissions.

### ***Agriculture***

Our agriculture sector generates almost half of our total greenhouse gas emissions, making it the most contentious area of emissions for New Zealanders. I acknowledge that the nature of agriculture does not lend itself easily to emissions reduction, however New Zealand should prioritize the development of sustainable farming strategies and technologies that reduce methane emissions. As a country that is so dependent on agriculture, we have a responsibility to lead the charge in making agriculture more environmentally friendly. I submit that incorporating a solid commitment to sustainable farming and prioritising alternatives, such as lower emission crops, would be of considerable benefit.

I also acknowledge the need to diversify beyond agriculture in the long term. New Zealand’s reliance on agriculture puts us in a risky position for the future. Agriculture is extremely susceptible to climate change. Changes in weather patterns, including floods, landslides, droughts and storm surges affect productivity. Large areas of mainland eastern New Zealand are likely to have less soil moisture. In eastern New Zealand and Northland, pasture productivity is likely to decline by 2030 due to increased drought frequency. The range and incidence of many pests and diseases are likely to increase, and drought and water security problems are likely to make irrigated agriculture vulnerable. These climate impacts demonstrate that we need to diversify beyond traditional pastoral agriculture, in order to climate-proof New Zealand. Farming as

intensively as we do is not environmentally sustainable, and will become riskier as the unavoidable effects of climate change become more pronounced.

### ***Emissions Generally***

New Zealand's emissions per capita are unacceptably large. We have a large agriculture sector and low population density, which are often seen as barriers to greenhouse gas reduction, but there are also many aspects of New Zealand's situation that make it easier for us to commit to climate action. Every state has its own particular barriers to emissions reductions, and using our particular barriers to absolve us from responsibility is an abdication of our role in combatting climate change and will be seen as such by the international community.

I propose that as a highly developed country, which brands itself as "100% Pure" and boasts a proud history of leadership on social issues and human rights, New Zealand must, at the very least, commit to the minimum required emission reduction for the 2 degrees target – 40% below 1990 levels.

We have the opportunity to utilize forestry, public transport, sustainable agriculture methods, and alternative energy sources. Because of this, New Zealand should be able to meet a stringent target whilst managing and allocating costs appropriately. These initiatives will pave the way for New Zealand to be at the forefront of a low-emission world.

### **Q3: What level of cost is appropriate for New Zealand to reduce its greenhouse gas emissions?**

#### ***Costs should not be framed in terms of reductions in household consumption***

The discussion document frames the costs of climate change as a reduction on annual household consumption. This is distorting and neutralising. Responses to climate change must be distributed between different private and public actors according to their carbon (and other greenhouse gas) footprint. While everyone must play a part, the costs will not fall equally on individual households and should not be framed as such. This is only part of the picture.

New Zealand's key polluters need to take responsibility for the costs of climate change. They, rather than households, have a duty to absorb the greatest portion of the costs. At present, agriculture pays no charges for its 49% share of New Zealand's total emissions. Key polluters absolve themselves from responsibility by purchasing carbon credits at less than \$1 per tonne of carbon. This is unacceptable and a far better balance needs to be struck.

#### ***We must not ignore the costs of inaction – mitigating and adapting now will avoid higher costs later***

The discussion document provides an inadequate picture of the costs and impacts of climate change. It fails to consider the costs of imminent environmental shifts and the costs of inaction, which must be borne by future generations if not paid for today. We should see a failure to *take action* as the central cost of climate change.

Continued inaction will have devastating effects. The Fifth IPCC report shows that climate change affects every part of New Zealand's economy. The national average temperature has risen 0.9°C over the past century and is expected to continue to rise. Freshwater resources are projected to decline in the north-east of the South Island and east and north of the North Island. Rising sea levels and increasing heavy rainfall are projected to increase flooding and erosion in many coastal areas and particularly near river mouths. The oceans will continue to acidify which is expected to affect many marine organisms and the biodiversity of the sea. Time spent in drought in eastern and northern New Zealand projected to double by 2040. It's also

likely that our lives and livelihoods will be significantly affected by global impacts such as immigration, food shortages, and political instability.

More specifically, agriculture makes up 55% of the value of total exports from New Zealand and will be severely threatened by a changing climate. The 2012-2013 drought in NZ is estimated to have reduced national GDP by up to 0.6% and contributed to a significant rise in global dairy prices, which tempered even greater domestic economic losses. Drought frequency and severity are projected to increase in many parts of NZ. NZ fish stocks are also affected by climate change. We are already beginning to see the tangible effects of ocean acidification on New Zealand's mussel industry.

These will become the real costs of climate change for future generations and should be included in the discussion. The discussion document does not emphasize how the *change* in the climate will affect the New Zealand society.

#### **Q4: Which opportunities to reduce emissions do you think are the most important for New Zealand?**

The discussion document frames benefits of climate action as opportunities. It recognizes some of the immediate and long-term opportunities of climate action, however fails to consider the full scope of these benefits, such as protecting the environment for its own sake.

All opportunities to reduce emissions are important to New Zealand, and should be considered, planned for, and modelled as far as is practicable. We propose that New Zealand's contribution should include a framework for developing, promoting and maximizing the benefits of acting on climate change.

#### **Q5: How should New Zealand take into account the future uncertainties of technologies and costs when setting its target?**

The discussion document presents the transition to a carbon neutral economy as a "significant challenge". Uncertainties surrounding both new technology and the possibility of breakthroughs in reducing agricultural emissions are presented as barriers. We disagree with this portrayal of the issue, and think that the term *uncertainty* is used inconsistently in the document.

##### ***Technological Uncertainty***

The document overstates the issue of technological uncertainty. While the form of future technology is uncertain, technological development, no matter the form, will actively contribute to reaching our target. Uncertainty in form is not a sufficient justification for allowing the issue to stagnate; we cannot await a magic bullet. Investing in R&D in the hopes of discovering such a revolutionary solution is not sufficient, we must make the most of currently available technology now so that we can enjoy the benefits of improvements as they arise. At the very least, we should grow our solar and wind investments in the areas of New Zealand where they will be most effective.

##### ***Scientific Uncertainty***

The primary uncertainty lies not in the development of technology, but in the scale of the effects of climate change, and just how much it will cost us. As discussed in Q3, the cost of doing nothing is extremely high. We are not adequately prepared for the extreme weather events and resource strain which will occur. We ought to apply the precautionary principle to climate uncertainty; that is, because there are threats of serious

and irreversible damage, lack of full scientific certainty ought not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

### ***Costs and Uncertainty***

Although projections of future climate change costs are uncertain, it is essential to recognise and quantify this uncertainty, not to ignore it. There is also a need to plan robust strategies to prepare for uncertain futures, rather than using uncertainty as a justification for inaction. The sooner we act, the lower the risk and long-term cost. By making informed choices now, we can reduce risks for future generations and ourselves, and help communities prevent and adapt to climate change.

### **Q6: Any Further Comments**

In order for New Zealand to meet its climate contribution target, it is imperative that New Zealand implement effective and well-tailored domestic policies in respect of climate change.

### ***NZ ETS is an inadequate foundation***

The New Zealand Emissions Trading Scheme is a shaky foundation for New Zealand’s domestic climate policy. The New Zealand ETS lacks a competitive market price, excludes core sectors in perpetuity and, without an overall cap on emissions, fails to contribute positively to emissions reductions. 99% of the credits in the ETS system are international carbon credits, which allows emitters to bypass their duties. Furthermore, the ETS subsidises polluters by \$684 million every two years - this is inconsistent with the stated objectives of the market mechanism. I propose that New Zealand’s climate contribution recognises the flaws in New Zealand’s ETS and that the government ‘learn from its mistakes.’ New domestic policies such as a Carbon Tax or a Cap and Trade scheme should be seriously considered. Effective carbon pricing is imperative in shifting private incentives away from fossil fuels and in favour of renewable energy and carbon sinks.

### ***Roadmap for change is necessary***

In line with this, there needs to be a conscious effort to plan, through effective law and policy creation, how we are going to achieve the goals we set. I support the development of a road map that demonstrates a level of commitment to climate action, beyond simply verbalizing goals. A target in isolation does not guide conduct; we need a more comprehensive strategy for climate action with short, medium and long-term goals.

***[insert heading here.]***

[insert further comments here.]

We need to clearly outline our commitment.

### **Executive Summary**

As a member/affiliate of Deconstructing Paris, I submit that:

- The objectives set for New Zealand’s contribution lack the necessary direction and specificity to guide government conduct. They are easily circumvented, take an overly cautious approach and do not require the government to take meaningful action on climate change. The following amendments ought to be adopted:

- “It is a fair and ambitious contribution, grounded in science, which reflects New Zealand’s role as a Pacific leader.”
  - “Costs, benefits and impacts on society be managed appropriately, while recognising our responsibility not to defer costs to future New Zealand citizens.”
  - “It must guide New Zealand over the long term in the transition to a low emissions world.”
- The approach adopted by the New Zealand Government in the discussion document fails to acknowledge the severity of the climate issue. Contrary to UN objectives, the discussion document implies that the NZ government considers a breach of the 2 degree limit acceptable provided we have the necessary ambition to do our “fair share.”
  - The nature of New Zealand’s emissions should not be seen as an excuse for inaction on climate change. Every state has its own particular barriers to emissions reduction. Using our particular barriers to absolve us from responsibility is an abdication of our responsibility, both as a developed country and as a Pacific leader, to take sensible action in response to climate change.
  - New Zealand should commit to meeting the average national contribution required to stabilise climate warming at 2 degrees – 40% below 1990 levels. We have the opportunity to utilize forestry, public transport, sustainable agriculture methods, and alternative energy sources. Because of this, New Zealand should be able to meet this stringent target whilst managing and allocating costs appropriately.
  - Framing the costs of climate change as a reduction on annual household consumption alone is distorting and neutralising. While everyone must play a part, the costs will not fall equally on individual households and should not be framed as such. This is only part of the picture. The costs of inaction and the direct costs of climate impacts must also feature in any cost equation. Although these costs are uncertain, it is essential to recognise and quantify this uncertainty, not to ignore it.
  - The document overstates the issue of uncertainty. While the form of future technology is uncertain, technological development, no matter the form, will actively contribute to reaching our target.
  - In order for New Zealand to meet its climate contribution target, it is imperative that domestic policy is effective and well tailored. The New Zealand Emissions Trading Scheme is neither of those things. It lacks a competitive market price, excludes core sectors in perpetuity and, without an overall cap on emissions, fails to contribute positively to emissions reductions. New domestic policies such as a Carbon Tax or a Cap and Trade scheme should be seriously considered.
  - The development of a road map that demonstrates a level of commitment to climate action is necessary. A target in isolation does not guide conduct; we need a more comprehensive strategy for climate action with short, medium and long-term goals.

Yours sincerely,

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