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Young people and future generations in environmental policy and planning in Aotearoa New Zealand

A dissertation
submitted in partial fulfilment
of the requirements for the Degree of
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Angela Elizabeth Nelson

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Abstract of a Dissertation submitted in partial fulfilment of the
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By

Angela Elizabeth Nelson

This dissertation examines how young people and future generations are taken into account in environmental policy and planning in Aotearoa New Zealand. Decisions made today will profoundly impact the lives of present young people and future generations, for instance with irreversible biodiversity loss and climate change. This raises questions of how young people and future generations are taken into account, or given voice, within environmental governance.

In this context, this research sought to examine how young people and future generations are included or represented in environmental policy and planning in Aotearoa, including identification of the institutions and mechanisms for intergenerational environmental justice. To do this, it draws on documentary analysis of 40 key pieces of environmental legislation, including the Environment Act 1986, Resource Management Act 1991, Climate Change Response Act 2002, and Local Government Act 2002, as well as national policy statements and a sampling of case law. Document analysis was supplemented with six in-depth key informant interviews to explore the strengths, challenges, and possibilities of existing practices for intergenerational environmental justice in Aotearoa.

This dissertation argues that the current system for environmental policy and planning in Aotearoa New Zealand is not sufficient to achieve intergenerational environmental justice. The research reveals an inconsistent and narrow framing of intergenerational environmental justice in key environmental legislation and policy and suggests that young people and future generations are not effectively engaged in decision-making. The analysis suggests: (1) the importance of clarifying key definitions and goals of intergenerational environmental justice and sustainable development; (2) establishing mechanisms for representation of future generations and strengthening legislation to demonstrably take them into account; and (3) explicitly recognising young people in environmental legislation, as well as improving practices to meaningfully engage with them in environmental decision-making. It also recognises the need for wider societal shifts to facilitate meaningful and enduring change.

Keywords: intergenerational justice, intergenerational environmental justice, future generations, children, youth, young people, environmental policy, planning, sustainable management, sustainable development, reasonably foreseeable needs, well-being of future generations

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List of Abbreviations

AEE	Assessment of Environmental Effects
ANZ	Aotearoa New Zealand
CBD	Convention on Biological Diversity
CCRA	Climate Change Response Act 2002
COP	Conference of the Parties
CPLA	Crown Pastoral Land Act 1998
DOC	Department of Conservation
HEC	Human Ethics Committee
IEJ	Intergenerational environmental justice
LGA	Local Government Act 2002
MFE	Ministry for the Environment
MMP	Mixed Member Proportional
NBEA	Natural and Built Environment Act 2023
NPS-ET	National Policy Statement on Electricity Transmission
NPS-FM	National Policy Statement for Freshwater Management
NPS-HPL	National Policy Statement for Highly Productive Land
NPS-IB	National Policy Statement for Indigenous Biodiversity
NPS-UD	National Policy Statement on Urban Development
NZBORA	New Zealand Bill of Rights Act 1990
NZCPS	New Zealand Coastal Policy Statement
PCE	Parliamentary Commissioner for the Environment
RMA	Resource Management Act 1991
SDGs	Sustainable Development Goals
SPA	Spatial Planning Act 2023
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
WWF	World Wildlife Fund

Chapter 1

Introduction

1.1 Intergenerational environmental (in)justice internationally

In the past four decades since climate change emerged as an issue, countries have participated in numerous international negotiations, including the Kyoto Protocol (1997), the Paris Agreement (2015), and 28 Conferences of the Parties (COP). Central to these discussions, is the concept of intergenerational environmental justice (IEJ), which recognises that the present generation has obligations to future generations (Brown Weiss, 1990; Campos, 2018; Hiskes, 2008; Loewe, 2019; Tremmel, 2006; Tremmel & Robinson, 2014). In the context of climate change, IEJ requires “a just transition to a zero-carbon economy and ... adaptation policies to enable future societies to cope with the climate changes to which we are already committed” (Caney, 2022, p. 137). However, IEJ also encompasses issues such as resource use, pollution, environmental degradation, biodiversity loss, and loss of arable soil (Boston & Stuart, 2015; Brown Weiss, 1990; Campos, 2018; Caney, 2022). It emphasises the inter-temporal aspect of distributive justice, acknowledging that actions of present generations may disproportionately harm the future of present young people and future generations (Boston & Stuart, 2015; Brown Weiss, 1990; Campos, 2018; Caney, 2022).

There is overwhelming evidence that the actions of past and present generations “have impacted the earth’s geological, atmospheric, and biodiversity planetary boundaries, with profound impacts for generations to come” (Sindall et al., 2021, p. 1749). Globally, most countries are not on track to meet the climate targets of the Paris Agreement (Harvey, 2023). The Intergovernmental Panel on Climate Change (2023) indicates that current policies will lead to warming of around 3.2°C, well beyond the 1.5°C limit set in the Paris Agreement. Simultaneously, biodiversity loss is ramping up, with the WWF (2022) citing a 69% decline in monitored wildlife since 1970. The rate of species loss has led scientists to claim that the earth is entering a sixth ‘mass extinction’ (Ceballos et al., 2015). Further issues are embodied by the global exceedance of six of the nine planetary boundaries (Richardson et al., 2023) and the ‘polycrisis,’ described by Heinberg (2024) as encompassing multiple threats such as climate change, declining oceans, resource depletion, rising inequality, and toxic chemicals. In light of these looming challenges, IEJ must be pursued. Present young people and future generations will have to live with the consequences of decisions made by the present governing generation and may be made worse off than their predecessors (Arnot et al., 2024; Boston & Stuart, 2015; Gibbons, 2014; Clark et al., 2020, as cited in Phillips et al., 2024; Sindall et al., 2021).

A key challenge constraining global action is the prioritisation of short-term interest (Boston, 2016b; Boston & Stuart, 2015; Campos, 2018; MacKenzie, 2016; Thompson, 2010; Whiteside, 2018). Some sources of short-termism are structural components of liberal democracies, while others are created by the dominant economic system which prioritises short-term extraction and consumption of resources to achieve continued economic growth (Costanza, 2020; Hokstra, 2019; Vesa et al., 2020; Martin & Page, 2014, as cited in Sindall et al., 2021). This dissertation is focused on sources of short-termism in liberal democracies, which MacKenzie (2016) lists as including the short-term preferences of voters, short-term election cycles, special interest groups, and the absence of future generations.

The exclusion of young people and future generations in democratic processes compounds issues of short-termism (MacKenzie, 2016). Young people cannot vote, and they lack economic power and political influence, while future generations are excluded by the simple fact that they do not yet exist. The exclusion of these groups creates a power imbalance where the present governing generation holds all the decision-making authority but is not accountable to future generations (Boston, 2016b; Boston & Stuart, 2015; Campos, 2018; Kates, 2015; MacKenzie, 2016; Whiteside, 2018). Therefore, it is necessary to consider how democracy can overcome sources of short-termism and include the voices of young people and the interests of future generations in present decision-making.

Part of the solution will be incorporating mechanisms that ensure the meaningful inclusion and participation of young people and consideration or representation of future generations in democratic decision-making. Academics have proposed many democratic innovations that aim to address these issues (e.g., Ekeli, 2005, 2016; MacKenzie, 2016; Thompson, 2010). A few countries have even implemented institutions and mechanisms that aim to provide better representation for future generations. A prominent example is the Future Generations Commissioner in Wales (Jones et al., 2018). Others have passed laws that lower the voting age to empower young people or amended constitutions to include environment and posterity protection clauses (e.g., Birch, 2023; Boston & Stuart, 2015; Campos, 2023; Hiskes, 2008; Van Parijs, 1999).

However, significant challenges remain. Representation itself is a complex concept, particularly in the case of future generations as they cannot select a representative, nor hold a would-be representative accountable (Jensen, 2015; Karnein, 2017; Lawrence, 2019; Whiteside, 2018). This raises complex theoretical questions about who could represent future generations and how to ensure they actually act on behalf of future generations (Byskov & Hyams, 2022; Rehfeld, 2006; Saward, 2006). In practice, young people are increasingly representing future generations in court cases, however, this places the burden of representation on a group that is already

marginalised (Brown Weiss, 2021; García-Antúnez et al., 2023; Paré, 2021). Additionally, it is necessary to recognise the differences between young people and future generations. Simply lumping them together potentially paves the way for ‘intergenerational domination,’ or the prioritisation of the needs of one generation over another (García-Antúnez et al., 2023; Ojanen, 2019). Additionally, there are different barriers to their participation in democratic processes; thus, requiring differing solutions to promote inclusion and representation (Zakaras, 2016).

Beyond representation, there are challenges to ensuring reforms to implement democratic innovations are both politically feasible and effective (Jones et al., 2018; Kates, 2015; MacKenzie, 2016). Many of the democratic innovations explored in the literature are theoretical and lack a clear pathway to be implemented. Additionally, as they would need to be implemented by the present generation, reforms that conflict with present interests may not be politically feasible (Jensen, 2015; Kates, 2015; Machin, 2022). This challenge contributes to concerns that democratic systems are incapable of meaningful reform (Machin, 2022).

1.2 The Aotearoa New Zealand context

In the context of Aotearoa New Zealand (ANZ), issues of IEJ are as relevant as anywhere. Past and present generations of New Zealanders will pass on a legacy of harm, including pollution from fertilisers, land fragmentation, invasive species, plastic pollution, degraded water quality, natural resource over-exploitation, and climate change (Ministry for the Environment & Stats NZ, 2022). This ongoing environmental degradation demonstrates that past and current practices have not effectively addressed issues of IEJ, despite the recognition of future generations in prominent legislation such as the Resource Management Act 1991 (RMA) (s. 5) and the Local Government Act 2002 (LGA) (ss. 10 and 14). As stated by Palmer (2017, pp. 69-70), “evidence suggests that the needs of future generations are so heavily discounted in the resource management space as to have almost vanished.” It is therefore essential to look at how environmental policy and planning in ANZ could better include young people and future generations.

In the ANZ context, the perspectives of Māori on IEJ are especially important because of Te Tiriti o Waitangi (the Treaty of Waitangi). In te ao Māori, the concept of ‘kaitiakitanga’ seeks to sustainably manage the environment to protect it for future generations (Parsons et al., 2021; Watene, 2022). This concept is increasingly visible in environmental policy and planning in ANZ (e.g., RMA, s. 7). Māori conceptions of synchronous time and connectivity with nature highlight shortcomings of Western approaches to IEJ including the linear conception of time, competition between generations, and anthropocentric focus (Parsons et al., 2021; Winter, 2020). Thus, Pawson (2023, p. 10) suggests that recognising Māori values and Te Tiriti o Waitangi in policy has the

potential to “drive collective long-term intergenerational wellbeing, equity and environmental outcomes” and “shift collective values to benefit all New Zealanders.”

Simultaneously there are many recent and ongoing efforts to improve IEJ in ANZ. Youth activism around climate change has expanded the conversation beyond technological solutions towards moral duties to the planet and future generations (Hayward, 2021). Last year, a bill was introduced to lower the voting age to 16 in local elections (Graham-McLay, 2023), and recently, an amendment to the New Zealand Bill of Rights Act 1990 (NZBORA) was sought to include the right to a healthy sustainable environment (Lawyers for Climate Action, n.d.). However, in both cases, the present government has halted these changes (Daalder, 2024; Ireland, 2024). While illustrating public recognition of IEJ issues, there is a lack of systemic attention to the issue of IEJ within environmental policy and planning in ANZ and an unwillingness by the present government to take action.

In ANZ just as elsewhere in the world, short-termism in democratic processes and decision-making undermines environmental protection and IEJ (Palmer, 2017). However, reform is difficult within a setting plagued by vested interests, short-term election cycles, party politics, and extensive executive power (Palmer, 2017), as demonstrated by recent legislative changes. Additionally, the reinstatement of the RMA, repeal of the Natural and Built Environment Act 2023 and Spatial Planning Act 2023, proposed fast-track legislation, and indications of future reforms make this a very uncertain time for environmental policy and planning in ANZ. These present challenges only further emphasise the need to develop long-term and enduring legislation and democratic institutions and mechanisms to address IEJ within ANZ.

1.3 Research question(s) and scope

The overarching question for this research is: How are young people and future generations taken into account in environmental policy and planning in ANZ?

There are several sub-questions extending from this overall one:

1. How are young people and future generations discussed within key environmental legislation and policy?
2. What existing and emerging institutions and mechanisms are there across central and local government for the inclusion and representation of young people and future generations in environmental decision-making?
3. What are the strengths, challenges, and possibilities of existing practices for IEJ?

The phrase 'young people' is used in this research to refer to all people under the age of 18 and 'future generations' is used to refer to unborn future people.

By focusing on these questions, this research will provide a stocktake of the current system. In analysing current practices within ANZ, I draw on IEJ and democratic literature. My focus for this dissertation is an initial scoping of 'what is' (including the legal framework and current practices) and also touches on the question of 'what might be' (drawing on perspectives of key informants). This research will contribute to the growing body of international research on how individual countries are trying to address issues of IEJ, with a focus on ANZ. It aims to fill a gap in the literature by undertaking a systematic review of IEJ concepts and framing in ANZ's key environmental legislation and policy. Additionally, while others have undertaken reviews of institutions and mechanisms for IEJ internationally and in ANZ generally, this research will identify those that are relevant specifically to environmental policy and planning in ANZ. In this context, this research also looks to identify strengths, challenges, and possibilities of existing practices in the hope that it can contribute toward improvements in IEJ in ANZ.

My background is in landscape architecture, and I have spent ten years working in consulting before returning to study. My interest in IEJ emerged from my concern that present governance practices, from the local to the global, are failing to address the climate and biodiversity crises which will significantly harm young people and future generations. My interest is in understanding the issues and what can be done to avert these crises to ensure a better future than is currently predicted. Environmental policy and planning is an important arena for addressing these issues. Additionally, I come to this research as a recent immigrant from the United States to ANZ, having visited in 2016 on a working holiday visa and settled here in 2018. I consider that this background may in some ways give me an 'outsider' perspective on the norms and systems in ANZ as I will have a different perspective than someone who has grown up here.

Importantly, in the ANZ context, the work of Matunga (2000) describes ANZ's environmental system as having a dual planning tradition, created by te Tiriti o Waitangi. This dual framework consists of Māori environmental policy and planning practices on one side, including iwi and hapū¹ policy and planning, and the Crown on the other, including central and local government and associated legislation, policy, planning, and environmental management practices (Matunga, 2000). The scope of my research is focused on the Crown side of the dual framework, which remains the dominant system and defines environmental policy and planning (Matunga, 2000). This approach is taken as I am not Māori and my research cannot speak from a Māori perspective. However, to

¹ Iwi are Māori tribes and hapū are sub-tribes.

acknowledge the importance of te ao Māori² and Māori environmental policy and planning practices regarding IEJ, I have included literature from Māori academics on Indigenous perspectives of IEJ in Section 2.1.5. Additionally, some te ao Māori IEJ concepts are present in Crown legislation and policy and I have specifically examined the presence of kaitiakitanga, as well as highlighted relevant perspectives from interviewees. Examination of Māori approaches to IEJ beyond this would be beyond the scope of a dissertation.

I also recognise that while this research is focused on young people under 18, interviews were only conducted with individuals over the age of 18. Youth under 18 were not interviewed as this research focused on the legislative and policy environment and sought participants that had work experience in this space as researchers, policymakers, and practitioners. However, I sought to include participants that have experience working with youth and were themselves active in the environmental space when they were under 18.

1.4 Dissertation structure

This dissertation is structured into eight chapters. Chapter 2 is the literature review which explores the theoretical context of IEJ, the position of young people relative to future generations, the issue of short-termism, speech and representation in democracies, examples of democratic innovations, and IEJ in ANZ. Chapter 3 provides the international context, detailing the evolution and influence of IEJ concepts in international environmental policy over time. Chapter 4 sets out the research methods used in this dissertation. Chapter 5 includes the findings from the document analysis on legislation, policy, and case law. Chapter 6 includes the findings from the semi-structured interviews including perspectives on existing practices. Chapter 7 is a discussion of the findings in the context of the literature. Chapter 8 is the conclusion which provides the answers to the research questions, identifies areas for future research, and recommendations based on the analysis.

² The Māori worldview.

Chapter 2

Literature review: IEJ and democratic innovation

This chapter brings together literature on IEJ and democratic theory. The first section focuses on IEJ, highlighting theories about the standard of obligations of the present generation to future generations, sceptic perspectives and their critiques, the relationship of IEJ with sustainability, the position of young people relative to future generations, and literature on Māori perspectives of IEJ. The second section explores issues of short-termism in current democracies. It also highlights the importance of speech and representation as methods for participating and explores the challenges of reforming democracies. The third section considers democratic innovations to improve the inclusion and representation of young people and future generations. This section provides a brief overview of several types of democratic innovations including ANZ and international examples where relevant. It also explores current practices in ANZ for the participation of young people and mechanisms for considering future generations.

2.1 Intergenerational environmental justice

Intergenerational environmental justice, a seemingly simple concept, is highly complex with many different theories as to the standard of present obligations to future generations. The most prominent of these will be explored as well as sceptic perspectives, the connection between IEJ and sustainable development, and common framings. Importantly, these theories are dominated by Western anthropocentric perspectives (Parsons et al., 2021; Winter, 2020). Thus, Indigenous conceptions of IEJ that are more holistic are also explored in this section.

2.1.1 IEJ standards and sceptics

This section explores the prominent theories about the standard of obligation that exists between the present and future generations in IEJ. Central to these is the concept of ‘reciprocity,’ which dictates that each generation, having benefited from the previous generation, has an obligation to the next generation (Barry, 1989; De Shalit, 1995; McCormick, 2009; Wade-Benzoni, 2002, as cited in Campos, 2018). However, this obligation is also highly debated and there are many sceptic perspectives which will be briefly explored.

Perhaps the most common conception of IEJ is the theory of ‘planetary rights and obligations’ pioneered by Edith Brown Weiss, an influential lawyer and author of the book: *In Fairness to Future Generations*. In an article summarising that work, Brown Weiss (1990, p. 7) describes the theory:

“Every generation receives a natural and cultural legacy in trust from its ancestors and holds it in trust for its descendants. This trust imposes upon each generation the obligation to conserve the environment and natural and cultural resources for future generations. The trust also gives each generation the right to use and benefit from the natural and cultural legacy of its ancestors.”

This standard includes three core principles: the conservation of options, quality, and access. Conservation of options means future generations should receive a comparable diversity of natural and cultural resources as the present generation. Conservation of quality means the planet should be passed on in a condition no worse than it was received. Conservation of access means each generation can access the planet’s resources but must also conserve access for future generations.

However, there are a range of other theories for the standard of obligations of the present generation. One of these is based on leaving at least the minimum resources needed to ensure the survival of future generations; others are based on equitable or equal shares (Campos, 2018; Spijkers, 2018). There’s also a ‘utopian standard’ which aims to pass on benefits and improve the situation of each generation (Dolan et al., 2006). Similar but different, there is also an ‘aggregative standard’ that emphasises an increase in total collective resources over each subsequent generation, where ‘resources’ refers to types of capital which are substitutable (Campos, 2018). Another is a ‘distributive standard’ which focuses on reducing inequality in future societies (Campos, 2018) and recognises that addressing present intragenerational injustices,³ such as poverty and environmental harm, also benefits future generations (Hendlin, 2014).

Additionally, there are many sceptic perspectives which debate the existence of obligations to future generations on various grounds. The ‘non-identity’ argument purports that the existence of future people, in terms of identity and quantity, is dependent on present decisions; therefore, it is impossible to violate their rights in the present as their very existence is the result of present decisions (Adams, 1979; Kavka, 1981; Parfit, 1987; Schwartz, 1987, as cited in Campos, 2018). The ‘non-existence’ argument is the perspective that future people cannot have present rights because they do not presently exist (Beckerman, 2006; De George, 1981; Macklin, 1981, as cited in Campos, 2018). The ‘no-satisfaction’ argument states that future people cannot have rights to resources that do not exist during their time (Beckerman & Pasek, 2001; De George, 1981, as cited in Campos, 2018). Another sceptic perspective is founded on the assumption that future generations will be better off and thus the ‘ability to pay’ principle is used to argue that they are better able to pay for mitigation and adaptation than the present generation (Hiskes, 2008; Jones et al., 2018; Thompson, 2010; Tremmel & Robinson, 2014). Another is the perspective that the interests of future

³ “Justice *within* a Generation” (Tremmel, 2006, p. 4, emphasis in original).

generations cannot be known with enough certainty to act on their behalf (Tremmel & Robinson, 2014). Another is the perspective that the goal of IEJ may overlook or cause intragenerational injustices, which is particularly relevant to developing nations (Farzin, 2010). Such perspectives emphasise the complexity of both the theoretical and practical application of IEJ.

There are, however, numerous critiques that seek to discredit the previous sceptic perspectives. Critics point out that an obligation to future generations does not require them to be present right holders (Campos, 2018; Gosseries, 2008; Tremmel & Robinson, 2014). Some consider these rights to be held as a group; therefore, such rights are not dependent on the identity or quantity of individuals (Boston & Stuart, 2015; Brown Weiss, 1990; Hiskes, 2008; Tremmel & Robinson, 2014). Critics also highlight that improvement across generations is not a given, as the future is dependent on present actions and the 'polluter pays' principle demands that the present generation pay for the harm they have caused (Beckman, 2015; Tremmel & Robinson, 2014). Many scholars also highlight moral obligations, including the principle of 'universalism' which holds that distance, whether physical or temporal, is not sufficient justification for discrimination (Barry, 1999; Loewe, 2019; Tremmel & Robinson, 2014).

2.1.2 IEJ and sustainable development

This section demonstrates the connection between IEJ and the concept of 'sustainable development,' which is especially relevant given the contested nature of sustainable development as well as 'weak' and 'strong' versions which have implications for how IEJ can be achieved.

IEJ and the concept of 'sustainability' are inherently connected. This is evident from the first definition of sustainable development in the *Our Common Future: Report of the World Commission on Environment and Development* (commonly referred to as the Brundtland Report), which defined this as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (United Nations, 1987, p. 41). The presence of IEJ and sustainability concepts in international environmental policy over time is described in Chapter 3. Many governments have made commitments to IEJ through the framing of sustainable development (Jacobs, 1999), either through international commitments to the Sustainable Development Goals or by enshrining the concept in national legislation. These concepts are also clearly linked in the literature (e.g., Barry, 1999; Padilla, 2002; Spijkers, 2018; Vojnovic, 1995; Ward, 2021).

However, sustainable development is a contested concept, and this has implications for how it as well as IEJ can be achieved in practice. The core ideas of sustainable development include but extend beyond IEJ; they also inherently conflict and require trade-offs, for example, between the environment and economic growth and between present and future generations (Jacobs, 1999;

Ward, 2021). This emphasises the contested nature of the concept, that is, “what must be done to achieve it in practice” (Jacobs, 1999, p. 23). Critically, the contested nature of sustainable development has left it exposed to co-option by business and development interests which perpetuate economic exploitation at the expense of the environment and future generations (Jacobs, 1999). Given that IEJ and sustainable development are inherently linked, this indicates the importance of recognising and addressing the tensions and debates surrounding sustainable development to achieve IEJ.

In this context, it is also necessary to consider weak and strong versions of sustainability and how they are connected with IEJ. Weak sustainability holds that economic activity should not be constrained by the environment, as it is the total of capital stocks that are important. In contrast, strong sustainability holds that there are environmental limits which require the maintenance of independent amounts of natural resources (Ayres et al., 2001; Gutés, 1996; Jacobs, 1999; Norton, 1999; Padilla, 2002; Randall, 2020; Vojnovic, 1995). These concepts are linked with different standards of IEJ. Weak sustainability is connected to the aggregative standard of IEJ, in which natural capital can be consumed if replaced by other forms of capital (Muraca, 2012). This would allow the present generation to pass on financial capital in place of natural capital and demonstrates that this standard is divorced from planetary boundaries (Muraca, 2012). In contrast, strong sustainability is connected with the IEJ standard of planetary rights and obligations defined by Brown Weiss (1990) because strong sustainability can conserve options, quality, and access for future generations by establishing clear environmental limits and respecting planetary boundaries.

2.1.3 Framing – interests, needs, rights, and well-being

This section highlights common framings of future generations used in the literature, international declarations and conventions, and national legislation. Common framings include ‘interests,’ ‘needs,’ or ‘rights,’ and more recently ‘well-being’ of future generations. It is necessary to distinguish between these as their usefulness for giving effect to IEJ is widely debated.

The ‘interests’ of future generations is a common framing (e.g., Pact for the Future, 2024) but what are the interests of future generations? Interests are described by Ward (2011, p. 17) as “informed by ... our intrinsic values and our positions as humans.” Importantly, the interests of each generation are not homogenous, they vary by culture, and change over time (Jensen, 2015; Karnein, 2017; Tremmel & Robinson, 2014; Ward, 2011). Thus, we cannot know the interests of future generations with certainty. This makes it challenging to operationalise the interests of future generations in legislation and decision-making (Jensen, 2015; Ward, 2011). However, it is possible to

distinguish between objective and subjective interests, in which objective interests, such as basic needs, can be reasonably anticipated (Karnein, 2017).

The ‘needs’ of future generations is perhaps the most common framing in international and national law (Ward, 2021), such as in the Brundtland Report, as highlighted previously. Ward (2011) describes needs as a subset of interests. Basic human needs are assumed to be universal (O’Neill, 2010; Tremmel & Robinson, 2014; Ward, 2011) and so “the idea of universal needs ... becomes important when decisions are being made on behalf of people who are not present” (Rauschmayer et al., 2010, p. 4) such as future generations. In the context of IEJ, some needs are physical and biological, such as a healthy environment including clean air, clean water, sufficient biodiversity, and fertile soils for growing food (Boston & Stuart, 2015; Karnein, 2017; Lawrence, 2022; Max-Neef, 1991; O’Neill, 2010). Others are psychological, for example, freedom and justice (Beckman, 2008; Max-Neef, 1991), or relational, such as understanding, affection, and friendship (Max-Neef, 1991; Ward, 2011). Importantly, the knowability of basic needs is beneficial for operationalising the needs of future generations in legislation and decision-making (Rauschmayer et al., 2010).

The ‘rights’ of future generations are spoken of extensively in the literature. Rights encompass moral duties as well as legally defined rights (Gosseries, 2008). Mutual respect between generations is an example of a moral right (Karnein, 2017) while the human right to dignity (Universal Declaration of Human Rights, 1948) and the right to a healthy environment (United Nations, 2022) are examples of legal rights. The latter includes the “right to a clean, healthy, and sustainable environment” (United Nations, 2022, p. 5). The process of defining these rights is useful for creating political will and legal protections for future generations (Boston & Stuart, 2015; Brown Weiss, 2021; Campos, 2018; Gosseries, 2008; Hiskes, 2008). Notably, such rights are becoming increasingly recognised in international law, national constitutions, and court decisions (Brown Weiss, 2021; Tremmel & Robinson, 2014).

The ‘well-being’ of future generations is a newer framing. Well-being is a multi-dimensional concept with many interpretations, indicating its subjectivity and reflecting its diverse origins (Jarden & Roache, 2023). Dodds (1997) highlights four approaches to well-being: (1) utilitarian welfare; (2) collective well-being based on indicators of a ‘good life;’ (3) a human capability approach based on individual agency; and (4) an objective needs approach which emphasises satisfaction of basic needs before moving on to higher needs (such as Maslow’s (1954) hierarchy of needs). Given its various origins and interpretations, well-being is also a contested concept (Jarden & Roache, 2023). Additionally, literature exploring the relationship of well-being with sustainable development identifies inherent challenges (e.g., Dolan et al., 2006; O’Mahony, 2022; Painter-Morland et al., 2017). In the context of future generations, the subjectivity of well-being beyond objective needs

makes it difficult to know how future generations will define it and thus challenging to operationalise (Upton, 2022). Despite this, well-being has become a popular concept in international and national policy, but the effectiveness of its application in IEJ is understudied.

2.1.4 Are young people part of the present or future generation?

Young people are part of the present generation as they presently exist. However, the literature highlights divergent views on whether young people are or are not also considered to be future generations. For example, Caney (2018, p. 476) contrasts two definitions of ‘future generations,’ the first being: “those who are not yet born,” and the second being: “those who are not yet citizens” including children. This section will highlight these contrasting perspectives and explore the relationship between young people and future generations.

Young people are sometimes referred to as part of the future generation because they are not part of the present generation with decision-making power (Paré, 2021). Tremmel & Robinson (2014) suggest the phrase ‘succeeding generations’ to encompass both future generations and young people while acknowledging the power imbalance between young people and adults. As a result of this imbalance, it is widely recognised that young people are typically some of the most affected by environmental injustices (Gibbons, 2014; Zakaras, 2016). Thus, intergenerational equity also includes “equity between different present generations” (Paré, 2021, p. 156). Additionally, while the theoretical debate on obligations to future generations is complex, there is no doubt that there are obligations to present young people (Zakaras, 2016). Shifting the focus to the rights of present young people negates many of the sceptic perspectives on IEJ (Paré, 2021; Zakaras, 2016).

Yet, it is also clear that young people are different from future generations. While future generations’ interests will encompass all generations of people in the future across all time, Zakaras (2016) considers the interests of present young people to include their own lifespans and their children’s. There are also important differences in interests, for example, Zakaras (2016) states that, unlike future generations, present young people have present needs and thus have short-term interests in resource use, consumption, and economic growth. Simultaneously it should be recognised that young people are themselves a diverse and intersectional group of people with diverse interests (Freeman & Aitken-Rose, 2005; Wood, 2020).

Regarding the capacity to speak and participate, there are also clear differences. Unlike future generations, who do not yet exist and are unable to speak, young people do presently exist and can and do speak. Young people express their values, perspectives, experiences, and desires for the future and are capable of active participation in politics (Ergler & Wood, 2015; Hayward, 2021; Nishiyama, 2017; Wall, 2012; Wood, 2010). However, despite having a voice, young people under 18

(in most countries) cannot vote, meaning they have fewer opportunities to participate than present adults. Additionally, research has also shown that when they do participate, they have little to no political power and are not able to participate on equal terms with adults because of their status as dependents and common perceptions of children as being too incompetent, irrational, and uneducated to make political decisions (Freeman & Aitken-Rose, 2005; Nishiyama, 2017; Phillips et al., 2024; Slobodian, 2019; Wall, 2012). This will be discussed further in Section 2.3.2.

These challenges have not stopped young people from participating, as evidenced by youth activism, such as the School Strike4Climate movement. Importantly, youth activism has been influential in politicising IEJ, particularly concerning climate change (Knappe & Renn, 2022, as cited in García-Antúnez et al., 2023; Hayward, 2021; Wood, 2020). García-Antúnez et al. (2023) identify two claims promoted by youth activists: the need to protect the planet for young people and future generations and the recognition of young people as representatives of future generations. The latter claim has become increasingly accepted and supported, as evidenced by young people representing future generations in prominent court cases (Brown Weiss, 2021; García-Antúnez et al., 2023; Paré, 2021; Slobodian, 2019).

However, positioning young people as representatives of future generations is not without problems. It is unfair for young people to be asked to advocate not just for themselves but for future generations too (García-Antúnez et al., 2023). Considering existing power imbalances and limitations on young people's political rights, García-Antúnez et al. (2023) argue that young people are not in a better position to advocate for future generations than adults. Additionally, young people are not perfect representatives for future generations considering their different interests and timescales (Slobodian, 2019; Zakaras, 2016). Ignoring these differences could result in 'intergenerational domination' through the prioritisation of one group's interests over another's (García-Antúnez et al., 2023; Ojanen, 2019). Thus, there needs to be space for the voices of all succeeding generations, by focusing simultaneously on the inclusion of young people and future generations.

2.1.5 Indigenous perspectives on IEJ

In the ANZ context, the perspectives of Māori on IEJ are especially important. Thus, this section will highlight IEJ concepts from te ao Māori as well as key similarities and differences between Māori conceptions of IEJ and dominant Western theory.

In te ao Māori, the concept of IEJ can be found within the concept of 'kaitiakitanga,' commonly translated as guardianship or stewardship, which seeks to sustainably manage the environment to ensure it is protected for future generations (Parsons et al., 2021; Watene, 2022). However, kaitiakitanga is not merely about benefits for future human generations, it emphasises a

communitarian view and reciprocal relationships to achieve the health and well-being of all (Durie, 2006; Rixecker & Tipene-Matua, 2003; Walker et al., 2019; Wehi & Lord, 2017, as cited in Parsons et al., 2021). Thus, concepts of IEJ in te ao Māori include humans, animals, plants, weather, geology, spirits, supernatural beings, and the Earth itself (Parsons et al., 2021; Winter, 2020). Interestingly, Māori perspectives have some similarities to Western IEJ theories, such as the concept of reciprocity between generations and the focus on generations as groups rather than on individuals (Winter, 2020). However, the communitarian view encompassing 'nature' contrasts with the anthropocentric focus of Western IEJ theories (Dobson, 2010; Parsons et al., 2021; Pawson, 2023; Winter, 2020).

Another significant difference is the understanding of time itself. Christine Winter's (2020) work explores how time colonises theories of IEJ. The Māori perspective of time is synchronous with past, present, and future generations co-existing (Winter, 2020). This is demonstrated through the changing relationships between ancestors, the living, and future generations (Winter, 2020). Watene (2022) explains how looking to the past helps navigate present and future challenges and while present actions determine the future, the people of the future will one day look back on the present as the past. Additionally, the timescales of the non-human, such as geo-regions, can shift the perception of time into the infinite, gaining a greater sense of the connectivity between all things (Winter, 2020). This view contrasts sharply with the Western perspective of time as linear, the focus on human lifespans, and competition between the generations (Winter, 2020).

2.2 Democracy and IEJ

The previous section has set out the theoretical context of IEJ. This section now turns to examine how IEJ is undermined by issues of short-termism within liberal democracies and the importance of speech and representation for providing young people and future generations with a voice. It then briefly discusses key debates around the feasibility of democratic reforms to improve IEJ.

2.2.1 Short-termism in democracy

Short-termism presents a significant challenge within democracies, by prioritising short-term benefits and neglecting the long-term interests of future generations (Boston & Stuart, 2015; MacKenzie, 2016; Mank, 1996; Thompson, 2010; Whiteside, 2018). For example, policymakers tend to focus on short-term issues like economic growth, unemployment, and national security at the expense of long-term issues such as climate change and environmental degradation (Jones et al., 2018; Whiteside, 2018). Short-term election cycles exacerbate this issue because they incentivise politicians to pursue policies with immediate benefits to help their re-election prospects (Boston & Stuart, 2015; Kavka & Warren, 1983, as cited in Ekeli, 2005; Kates, 2015; Thompson, 2010; Whiteside, 2018). Special interest groups may also exert control, prioritising short-term interests which creates

barriers to implementing policies that address IEJ (Boston, 2016b; Boston & Stuart, 2015; Ekeli, 2005; MacKenzie, 2016; Whiteside, 2018). Uncertainty also perpetuates short-term thinking because policymakers may be reluctant to commit funding and act when outcomes are unclear or unpredictable (Boston, 2016b; MacKenzie, 2016).

Although debated, voters themselves also display short-term preferences (Birch, 2023; Boston, 2016b; Boston & Stuart, 2015; Thompson, 2010). While they are generally concerned for their future selves and the future of their children and grandchildren, they are less concerned about distant or unrelated future generations (Boston, 2016b; Ekeli, 2005; Jensen, 2015; Kates, 2015; Mank, 1996; Thompson, 2010). Thus, a conflict between short-term and long-term interests that require sacrifices by the present generation for the benefit of future generations, can be politically challenging to overcome (Boston & Stuart, 2015; Ekeli, 2005; Jones et al., 2018; Thompson, 2010; Whiteside, 2018; Zakaras, 2016). The exclusion of young people and future generations from democratic processes also creates a power imbalance in which the present governing generation holds all the decision-making power but cannot be held accountable by future generations (Boston, 2016b; Boston & Stuart, 2015; Campos, 2018; Kates, 2015; MacKenzie, 2016; Whiteside, 2018).

2.2.2 Speech and representation in democracy

The issue of short-termism raises questions about how present decision-making might better include the voices of young people and future generations. Dominant liberal democratic systems are oriented toward the present, with speech being a key mechanism for participation. However, when groups cannot speak, representation is one way to give them a voice. This section will explore the theoretical context of speech and representation in democracy.

Speech is a key political mechanism for participation (Dobson, 2010). Consequently, the right or capacity to speak determines one's inclusion or exclusion from political participation (Dobson, 2010). Although not the focus of this dissertation, Andrew Dobson's (2010) research demonstrates how this exclusionary dynamic extends to nature. In the context of IEJ, young people possess the ability to speak, but are excluded from the right to vote, a key means of exercising one's voice in representative democracies (Jensen, 2015). When they seek to exercise their voice through other methods, they are often constrained or ignored due to adult controls on their participation (Freeman & Aitken-Rose, 2005; Nishiyama, 2017; Phillips et al., 2024; Slobodian, 2019; Wall, 2012). Future generations are excluded because they do not yet exist and thus cannot voice their interests (Dobson, 2010; Slobodian, 2019).

Representation is a mechanism for giving voice to the voiceless as it gives a group the ability to participate in decision-making through a representative (Fraser, 2005, as cited in Coolsaet &

Néron, 2021; Marion Suiseeya, 2021). The 'all affected principle' argues that democracy should extend representation to include young people and future generations on the basis that they should have a say in decisions affecting them (Ekeli, 2005; Goodin, 1999, as cited in Lawrence, 2019; MacKenzie, 2016). However, the concept of representation is complex as there are challenges of misrepresentation and accountability (MacKenzie, 2016)

In the context of Feminist theory, representation is the process of representing the interests of another group through one's own lens (social position and understanding of that group), thus what is said of a group is always an interpretation from the speaker's position (Alcoff, 1991). The practice of speaking for others has been particularly challenged due to the potential effect of misrepresenting and further marginalising an oppressed group, particularly when the one speaking is not part of that group (Alcoff, 1991). However, Alcoff (1991) concludes that in some instances it is appropriate to speak for others when they would not otherwise be able to speak for themselves; a key point for justifying speaking for others is whether speaking for them will empower them. In the context of future generations, it is clear that someone in the present needs to speak for them, as the alternative is that they may not be considered at all.

A 'representative claim' is a claim to represent the interests of someone else (Saward, 2006). Saward (2006) emphasises the role of both the representative and the represented; the representative chooses how to portray the represented while the represented chooses to accept or decline. Byskov & Hyams (2022) coin this as the 'acceptance criterion.' In the context of future generations, this theory is problematic because they cannot accept or decline a claim to represent them and cannot hold a representative accountable (Karnein, 2017; MacKenzie, 2016; Whiteside, 2018). However, Rehfeld (2006) highlights that representation does not need to be accepted by those being represented, provided that the present system or institutions accept the claim. In this context, the 'hypothetical acceptance criterion' is a test which requires that representatives "could reasonably be expected to be accepted by future generations" (Byskov & Hyams, 2022, p. 200).

There are several theories about who could reasonably be accepted to represent future generations. One such theory is that young people could represent future generations (Brown Weiss, 1990, 2021). Although this does not translate into elected representation, young people are increasingly representing future generations in court cases (Brown Weiss, 2021). However, related issues have already been touched on. Regarding elected representatives for future generations, some scholars have suggested environmentalists (Dobson, 1996, as cited in Ekeli, 2016) or people who have experienced the effects of climate change (Byskov & Hyams, 2022). Others emphasise that there is no single group best suited; rather, any present citizen could represent future generations so long as their decisions can be justified as acting in the best interest of future generations on a

principle of 'equal respect' (Ekeli, 2005; Jensen, 2015; Karnein, 2017). Such a principle is founded on the idea that present generations should act towards future generations as they wish that past generations would have acted toward them (Ojanen, 2019). However, problems remain, such as the challenge of ensuring representatives do indeed act on behalf of future generations rather than short-term interests, given the lack of accountability (Jensen, 2015; Karnein, 2017).

There are already examples of representation as a mechanism for providing a voice to the voiceless. For example, Brown Weiss (2021) points out that inanimate objects such as corporations can have representatives. Additionally, Dobson (2010), Lawrence (2022) and Winter (2020) discuss the representation of non-human animals and nature. It is also recognised that parents regularly represent their children's interests (Jensen, 2015).

2.2.3 The challenge of democratic reform

The feasibility of democratic reform is a critical and highly debated challenge. The literature highlights three perspectives: that short-term pressures mean democracy is incapable of reform, that democracy can be improved through small reforms over time, and that democracy needs to be renewed through wider societal reform. These perspectives will be touched on briefly in the subsequent paragraphs. Importantly, these debates are not resolved.

The first perspective questions the possibility of reform. In the past, the present generation has failed to consider future generations, and yet there is an expectation that the present generation will initiate reforms to democracy to better consider future generations (Jensen, 2015). Additionally, reforms must be politically feasible, but to make them so is likely to render them largely ineffective (Kates, 2015). These debates reflect aspects of the 'sceptical imaginary' described by Machin (2022), which emphasises that problems are so entrenched that democracy is incapable of reforming itself.

The second perspective proposes a series of small incremental reforms over time (Kates, 2015). This reflects Machin's (2022, p. 5) 'rational imaginary,' which identifies the current failings as a problem of "too little democracy." Thus, the solution requires "the expansion, rescaling and deepening of democracy" (Machin, 2018, as cited in Machin, 2022, p. 5). The pursuit of more radical change, even if not feasible, may bolster moderate and incremental reforms (Caney, 2022).

The third perspective requires a renewal of democracy; referred to as the 'radical imaginary' (Machin, 2022). This requires wider societal reforms beyond intuitional design to include educational and cultural institutions (MacKenzie, 2016). Such broader reforms focus on shifting current individualist thinking towards a more holistic worldview that recognises the interconnectedness of people with nature and across timescales (Ophuls & Boyan, 1992; Ophuls, 2011, as cited in

MacKenzie, 2016). Such reforms have parallels with Māori and Indigenous perspectives, as described in section 2.1.5.

2.3 Democratic innovations and IEJ in the ANZ context

Recognising the issue of short-termism, the importance of speech and representation, and the challenges of reform, this section now turns to examining potential democratic innovations for improving IEJ. This also includes a summary of literature on the participation of young people and consideration of future generations in ANZ.

2.3.1 Institutions and mechanisms for IEJ

There have been numerous innovations proposed for reforming democratic systems to address short-term pressures, many of which promote the participation of young people and the representation of future generations. Some mechanisms are more suited to young people or future generations. MacKenzie (2016) emphasises that different innovations address different sources of short-termism. Likewise, some mechanisms may enable others. Thus, it is likely that reforms incorporating multiple institutional responses will be more effective (MacKenzie, 2016).

MacKenzie (2016) has categorised a number of potential innovations by type. Table 2.1 includes institutions and mechanisms identified across the literature, utilising and expanding on MacKenzie’s (2016) categories. However, this is not an exhaustive list (see Boston, 2016b for an alternative categorisation and detailed list of options). Each includes a brief description and examples, with a focus on ANZ where applicable, international examples where not, and noting that many are theoretical and have not been implemented.

Table 2.1: Examples of institutions and mechanisms for IEJ

Institution or mechanism	Description	Example
Representation		
Youth quotas	System of age-based quotes for elected representatives (Birch, 2023; MacKenzie, 2016).	n/a
Age-based electorates and representatives	Each age group has its own elected officials (Van Parijs, 1999).	n/a
Proxy representatives for future generations	Election of representatives with the specific role of representing future generations in legislative assemblies (Ekeli, 2005, 2016).	n/a
Proportional representation	Proportional representation is an electoral system in which the number of seats held by each party is proportional to the votes	ANZ’s mixed-member proportional (MMP) system.

	received, it is more future-focused due to its consensus-style politics (Birch, 2023; Boston, 2016a).	
Representative term lengths and limits	This includes longer term lengths and strict term limits, such as a rule that allows officials to only serve two terms (Birch, 2023; MacKenzie, 2016).	Some countries have term lengths of 5-7 years, many have term limits of two years. For example, Finland's president is restricted to two 6-year terms (World Population Review, 2024).
Differential voting schemes		
Lowering the voting age	The voting age is lowered to be more inclusive of young people and change the composition of the electorate (Birch, 2023; Eichhorn & Bergh, 2021). It is often recommended to provide civics education in schools as a companion step to lowering the voting age (Ribeiro et al., 2023).	Some countries have lowered the voting age to 16 or 17, such as Argentina, Austria, Brazil, Ecuador, Greece, and Nicaragua (Child Rights International Network, n.d.).
Compulsory voting	Voting is made compulsory for all citizens of voting age (Birch, 2023; Thompson, 2010; Van Parijs, 1999).	There are several countries with compulsory voting laws, such as Australia and Brazil (Evans, 2006; Power, 2009).
Proxy voting	Parents are provided with a proxy vote which they can exercise on behalf of their children until they come of age (Boffa et al., 2023; Thompson, 2010; Van Parijs, 1999; Wall, 2012).	There are no examples of this, however, Germany considered (but did not pass) a bill to provide the right to vote to all citizens from birth, in which a parent could vote on behalf of the child until they were ready to claim this right themselves (Wall, 2012).
Direct democracy		
Deliberative institutions and citizens' assemblies	Forms of direct democracy in which citizens, experts, and leaders come together to learn about, discuss, and debate issues to make collective decisions. Some research has shown that deliberative mechanisms can increase long-term considerations in decision-making (Birch, 2023; Caney, 2022; Ekel, 2005; Karnein, 2017; MacKenzie, 2016; Whiteside, 2018)	There are many examples of deliberative democracy, a recent case study by Buklijas et al. (2023) in ANZ highlights how a citizen assembly was used to make decisions about Auckland's future water needs.
Referendum	Referendums are a form of direct democracy in which citizens vote on an issue; they may be based on constitutional requirements or initiated by representatives or citizens (Qvortrup, 2015; Setälä, 2009).	In ANZ, a referendum was held in 2020 to legalise voluntary euthanasia. Internationally, the Brexit referendum is well-known, as is Australia's recent referendum on Indigenous Voice.
Legislative procedures		
Sub-majority rule	Sub-majority rule is a procedural right that can be used on a predefined basis by a	n/a

	minority of legislators (1/3 or otherwise defined) to delay a bill or demand a referendum when there is an expectation that the legislation may have adverse long-term effects (Ekeli, 2016; MacKenzie, 2016).	
Posterity impact statements	Posterity impact statements are statements of how a bill will affect young people and future generations, they may also take the form of party manifestos on the interests of future generations or reports by independent agencies on the future impacts of policies or party positions (Birch, 2023; Jones et al., 2018; Thompson, 2005).	The preparation of posterity impact statements which assess government policy is one role of agencies such as Finland's Parliamentary Committee for the Future and the Welsh Commissioner for Future Generations (Birch, 2023; Jones et al., 2018).
Administrative institutions or procedures		
Ombudsman, commissioner, and committees for future generations	This is an administrative body, often non-partisan and potentially independent from the government, made up of an appointed official or group of officials that reviews legislative agendas and proposed laws and prepares reports that draw attention to issues relevant to future generations (Boston, 2016b; Brown Weiss, 1990; Jones et al., 2018; Lawrence, 2022; MacKenzie, 2016).	Several countries have adopted such institutions including the Finland Committee for the Future, Singapore's Centre for Strategic Futures, and Wales Commissioner for Future Generations (Jones et al., 2018; Whiteside, 2018). ANZ briefly had a Commission for the Future from 1977 to 1982, although its role was based on scientific and technological development and trends rather than IEJ (Menzies, 2018).
Intergenerational Trusts	This is a form of savings for the future which may be in the form of public funds held in long-term investments, public funds generated from shared resources, or resources held in common ownership (MacKenzie, 2016; Zakaras, 2016).	An example is the pension fund in Norway which has been created using profits from the country's oil and gas resources (MacKenzie, 2016).
Constitutional mechanisms		
Constitutional clauses	Constitutions can provide explicit recognition of core human and human environmental rights as well as rights or obligations toward future generations which provide a basis for legal protection (Boston & Stuart, 2015; Hiskes, 2008). Generally, these are captured in three types of clauses: balanced budget clauses that focus on fiscal prudence, future-oriented clauses that focus on the protection of future generations and IEJ, and environmental clauses (Campos, 2023; Hiskes, 2008; Tremmel, 2006, as cited in MacKenzie, 2016).	Several countries have such clauses in their national constitutions; for example, Bolivia, Cuba, Ecuador, France, Germany, Poland, South Africa, and Sweden have substantive clauses whereas Armenia, Czech Republic, Estonia, Switzerland, and Ukraine have aspirational clauses (Boston & Stuart, 2015).
Formal youth groups		

Youth councils, committees, and advisory groups	Youth councils, committees, and advisory groups are ways for young people to participate in political spaces, often before they reach voting age, providing them with an opportunity to learn about democratic processes and access and influence decision-makers (Martin et al., 2007; Taft & Gordon, 2013).	In ANZ, Environment Canterbury’s Youth Rōpū includes 16 young people who engage with decision-makers and promote wider youth engagement (Environment Canterbury, 2024).
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2.3.2 Participation of young people in ANZ

The innovations listed above include many mechanisms for improving youth participation, such as lowering the voting age, youth councils, and youth quotas. The literature on the participation of young people both globally and in ANZ highlights the importance of the United Nations Convention on the Rights of the Child (1989) and international declarations for spurring increased youth participation at national levels (K. Brown et al., 2020; Child Rights International Network, 2023; Ergler & Wood, 2015; Freeman & Aitken-Rose, 2005). This has led to increased support for the participation of children and young people in ANZ’s central and local government processes (K. Brown et al., 2020; Ergler & Wood, 2015; Freeman & Aitken-Rose, 2005), as well as recognition that youth voice and participation is a key part of the solution to climate change and environmental crises (Ergler & Wood, 2015; Hayward, 2021; Wood, 2020).

However, despite these shifts, there are ongoing challenges, including tokenistic practices and participation on terms controlled by adults (Wood, 2010). A key challenge is the perception of children and young people as lacking education or experience and thus not having opinions or ideas of value (Freeman & Aitken-Rose, 2005; Nishiyama, 2017; Phillips et al., 2024; Slobodian, 2019; Wall, 2012). These attitudes are a barrier to young people’s participation, and it is essential to shift these perceptions to support youth participation and recognise their unique and valuable perspectives and knowledge (K. Brown et al., 2020; Nishiyama, 2017; Phillips et al., 2024). Importantly, Phillips et al. (2024) show that 80% of adults in ANZ support youth aged 15-18 years old having opportunities to influence government decisions, indicating that this shift is already underway.

A related issue is that adults control the participation of young people. This highlights a power imbalance in which adults hold all the decision-making power, including dictating who, when, and how young people can participate (Ursin et al., 2021, as cited in Arnot et al., 2024; Ergler & Wood, 2015; Phillips et al., 2024). As a result, young people have fewer opportunities to participate and are even denied the opportunity to be consulted on matters that affect them (Arnot et al., 2024; Freeman & Aitken-Rose, 2005) In the ANZ context, Freeman & Aitken-Rose (2005) highlight the RMA as an example, as it doesn’t specifically require the involvement of young people in statutory processes. Other research documents how some forms of participation treat young people as ‘partial

citizens' or 'citizens-in-waiting' in which their present views are ignored and they are trained up to be citizens that reinforce the status quo (Egler & Wood, 2015; Freeman & Aitken-Rose, 2005; Cohen, 2005, as cited in Phillips et al., 2024; Owen, 1996; Weller, 2007, as cited in Wood, 2010).

While there is evidence of increasing initiatives to engage with young people in ANZ, Freeman & Aitken-Rose (2005, p. 231) describe these as "uneven, largely reactive, and ad hoc." Additionally, young people have less access to resources and many demands on their time which also affects their ability to participate (Arnot et al., 2024; Wood, 2010). With fewer opportunities and resources to participate in formal processes, young people have taken to using grassroots methods such as protests, petitions, and social media; however, these are not perceived to be as effective at influencing decision-makers (Arnot et al., 2024). Representation within youth participation is another issue, in which only a narrow portion of young people are typically included (Wood, 2010).

To facilitate improved participation, K. Brown et al. (2020) highlight the importance of structural system improvements, including legislative changes requiring consultation with young people, as well as wider social change which recognises the value of young people's perspectives. Additionally, it is essential to understand and encourage youth agency while recognising different capabilities, such as level of understanding, age, background, and the degree to which they'd like to be involved and tailor participation methods to be inclusive of these aspects (Arnot et al., 2024; Freeman & Aitken-Rose, 2005).

2.3.3 Consideration of future generations in ANZ

In the ANZ context, a considerable portion of the literature focuses on the Parliamentary Commissioner for the Environment (PCE), with some also highlighting key legislation such as the NZBORA, RMA, and LGA. The literature also highlights other mechanisms relating to long-term planning such as the public service, long-term insights briefings, long-term plans, non-governmental organisations, the Living Standards framework, and well-being budgets (Menzies, 2018; Pawson, 2023; Upton, 2022). The PCE, legislation, and key issues are highlighted here.

ANZ's PCE is often discussed in the context of Future Generations Commissioner roles in other countries (Boston, 2021; Hollis, 2010; Lawrence, 2022). The PCE is described by Boston (2021, p. 434) as being "able to promote the wise stewardship of resources, greater policy far-sightedness, and better environmental outcomes" to the benefit of both present and future generations. The PCE is independent of the government and acts as an 'environmental guardian' that holds policymakers accountable (Boston, 2021; Lawrence, 2022; Menzies, 2018). However, there are also limitations to the PCE's powers, namely it can only make recommendations and cannot ensure its advice is followed (Boston, 2021; Lawrence, 2022; Palmer, 2017). While Hollis (2010) highlights that the PCE's

functions do not explicitly recognise future generations, there is an implicit connection between the environment and the interests of future generations. This leads scholars such as Lawrence (2022) to describe the PCE as an ‘indirect representative’ of future generations.

Legislation is the “simplest method for protecting the environment for future generations” (Hollis, 2010, p. 34). Yet, in the ANZ context, there is a lack of recognition of environmental rights or the rights of future generations in critical legislation such as the NZBORA (Boston, 2021; Boston & Stuart, 2015; Palmer & Butler, 2016, as cited in Daya-Winterbottom, 2024; McIntock, 2020). While future generations are included in the RMA and LGA (Boston, 2016a; Brown Weiss, 2021; Daya-Winterbottom, 2024; Hollis, 2010; Palmer, 2017), these lack key definitions and guidance on what should be protected and how to do so (Hollis, 2010). As a result, Hollis (2010) views this legislation as more aspirational than enforceable. Similarly, Palmer (2017) highlights concern about implementation due to the volume of statute, lack of effort ensuring it is properly designed, and lack of analysis of its effectiveness. Additionally, Daya-Winterbottom (2024) describes the lack of jurisprudence from the ANZ courts on IEJ concepts in legislation.

In the environmental context, the literature identifies many issues with the current framework for including future generations. Boston (2021) and Palmer (2017) highlight a significant gap between intentions and practice, which is evident in ANZ’s failure to meet climate change targets and the worsening state of the natural environment. Boston (2016a) highlights key institutional weaknesses including limited attention to IEJ, implications in policy development and decision-making, weak application of sustainable management concepts, a lack of futures thinking and foresight, limited protection of natural resources, and use of high discount rates. However, ways forward are also suggested such as constitutional reform, recognition of the right to a healthy environment, better foresight and long-term reporting, increasing institutional powers of future-focused institutions, recognising tikanga in ANZ’s common law, and shifting policy to an intergenerational approach (Boston, 2016a; Daya-Winterbottom, 2024; Menzies, 2018; Palmer, 2017; Pawson, 2023).

2.4 Literature review summary

The first section of the literature review has demonstrated that the topic of IEJ is complex with many different standards for justice and sceptic perspectives. A moral obligation to future generations can be established and this has been recognised and applied internationally and nationally through the concept of sustainability or sustainable development. However, there are a variety of framings present including interests, needs, rights, and well-being which have different advantages and disadvantages. This section also explored the relationship between young people and future generations, emphasising their differences and the risks of lumping them together. Additionally,

Māori perspectives on IEJ have been considered, highlighting the key concept of kaitiakitanga, and recognising distinctions from the Western approach.

The second section of the literature review discussed the issue of short-termism in democracies which undermines the pursuit of IEJ. It then explored the theoretical basis for speech and representation in democracies, highlighting how representation is a way to give voice to the otherwise voiceless. Additionally, it explored some of the challenges of reforming democracies including three key perspectives: that democracy is incapable of reform, that it can be improved through small steps, and that radical reform and wider society change are needed. The third section of the literature review listed many different democratic innovations that have either been implemented or proposed by academics, providing ANZ or international examples where possible. It then explored literature on the participation of young people and consideration of future generations, focusing on existing practices in the ANZ context.

The literature review highlights the lack of any systematic review of IEJ concepts and framings in ANZ's environmental legislation and policy. Thus, the research aimed to explore how these appear in ANZ's key environmental legislation and policy over time. The literature also focuses on several key institutions, mechanisms, and pieces of legislation, such as the PCE, NZBORA, RMA, and LGA. However, a detailed and in-depth stocktake of IEJ institutions, mechanisms, and legislation specific to environmental policy and planning ANZ was not apparent. Thus, another aim of this research was to undertake this in-depth stocktake. In this context, the literature also explores some of the strengths, challenges, and possibilities of existing practices. This research sought to build on this existing work to further explore the state of IEJ in ANZ's environmental policy and planning presently and what might be in the future.

Chapter 3

International context: IEJ in international environmental policy

This chapter focuses on IEJ in the international context. It highlights the presence of IEJ concepts in key international declarations, conventions, and treaties from 1972 to the present. These international documents are important mechanisms for IEJ because they set out international standards and expectations, some of which are legally binding, and can influence legislation and practices at the national level.

3.1 Future generations in the international context

IEJ concepts and explicit mentions of future generations appear in many international declarations, conventions, and treaties. The first major declaration on IEJ was the Declaration on the United Nations Conference on the Human Environment (1972) (Stockholm Declaration), which emerged from the first international conference on environmental issues in 1972. The Stockholm Declaration highlights the fundamental human right to a quality environment (Principle 1) and the importance of safeguarding the environment and natural resources for the benefit of present and future generations (Principle 2). The language reflects IEJ standards that emphasise passing on benefits to future generations. This declaration set the stage for such concepts to emerge in subsequent international and national environmental policy.

The next major occurrence was the publication of the *Our Common Future: Report of the World Commission on Environment and Development* (Brundtland Report) in 1987 (United Nations, 1987). As described in section 2.1.2, the Brundtland Report introduced the concept of sustainable development and demonstrates how the concepts of IEJ and sustainability are inherently linked. Additionally, the Brundtland Report identified issues of distributive justice and the power imbalance between present and future generations. It also urged nations to protect rights to a healthy environment and has led to the widespread adoption of a sustainable development approach.

In 1992, sustainable development, which includes IEJ, became the central focus of the Rio Earth Summit and resulting Rio Declaration of Environment and Development (1992) (commonly known as the Rio Declaration). The Rio Declaration sets out principles emphasising sustainable development to meet the needs of present and future generations, recognising the rights of countries to use their resources for development while also promoting environmental protection. The Rio Earth Summit also produced the Convention on Biological Diversity (1992) (CBD) and the United Nations Framework Convention on Climate Change (1992) (UNFCCC). The CBD (1992, p. 3)

recognises the need to “conserve and sustainably use biological diversity for the benefit of present and future generations.” In the climate context, the UNFCCC (1992, Article 3, Principle 1) highlights the need to “protect the climate system for the benefit of present and future generations.” The CBD and UNFCCC also utilise similar language to IEJ standards that seek to pass on benefits.

Beyond sustainable development, moral obligations to future generations were recognised internationally in the Declaration on the Responsibilities of the Present Generations Toward Future Generations (1997). Article 1 is the “responsibility of ensuring that the needs and interests of present and future generations are fully safeguarded.” Specific to the environment, Article 4 is the “responsibility to bequeath to future generations an Earth which will not one day be irreversibly damaged by human activity.” The concept of sustainable development is present, and Article 5 seeks to protect environmental integrity by limiting pollution, preserving natural resources, and taking a precautionary approach. Importantly, the declaration sets out the moral and ethical obligation of present generations to future generations; however, the language indicates a shift from passing on benefits toward Brown Weiss’s (1990) standard of planetary rights and obligations.

Subsequent international environmental policy has increasingly focused on sustainable development; IEJ concepts are present but not as central as they once were as the focus on intragenerational equity has increased. Sustainable development was central to the 2012 Rio +20 Earth Summit. The result was a declaration called The Future We Want (2012), which emphasised a renewed commitment to sustainable development and recognised the need for balance between present and future generations. A renewed commitment indicates that efforts up to this point have been insufficient. Then in 2015, the 2030 Agenda for Sustainable Development (United Nations, 2015) was adopted which is centred on the 17 Sustainable Development Goals (SDGs) and aims to address “poverty and other deprivations” and “improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests” (United Nations, n.d.). The SDGs remain a focus of international efforts but demonstrate a stronger focus on intragenerational rather than intergenerational equity (Spijkers, 2018).

IEJ concepts have continued to inform climate change treaties. The UNFCCC was integral to the development of the Kyoto Protocol (1997) which came into force in 2005. It committed countries to reducing their greenhouse gas emissions by setting individual targets which are legally binding for developed countries. Following the Kyoto Protocol, the Paris Agreement (2015) was adopted by 196 Parties and entered into force in 2016. It acknowledges climate change as an issue of intergenerational equity and set a goal to hold “the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to

1.5 °C above pre-industrial levels” (Article 2). However, despite these legally binding agreements, most countries are not on track to meet their climate targets (Harvey, 2023).

More recent developments have given greater focus to IEJ, including the Declaration on the Commemoration of The Seventy-Fifth Anniversary of The United Nations (2020) (UN 75 Declaration), *Our Common Agenda* Report (United Nations, 2021), and the *Common Principles on Future Generations* Report (United Nations, 2023). The UN 75 Declaration (2020) again highlighted the need for reinvigorated action including protecting the planet, reducing greenhouse gas emissions, and addressing unsustainable consumption in order to protect the welfare of future generations. *Our Common Agenda* Report promotes long-term thinking and representation for future generations (United Nations, 2021). The *Common Principles on Future Generations* Report aims to create a shared understanding of intergenerational equity and includes a definition for future generations, describing them as “all those generations that do not yet exist, are yet to come and who will eventually inherit this planet” (United Nations, 2023, p. 3) and distinguishes between young people and future generations.

The United Nations Summit of the Future occurred in late September 2024 and has continued the trend of a renewed focus on IEJ. The result is the Pact for the Future (2024) which includes a Declaration on Future Generations (Annex II). The Pact sets out actions for sustainable development, while the Declaration on Future Generations sets out guiding principles, commitments, and actions to safeguard the needs and interests of future generations. Key actions emphasise strategic foresight, long-term planning, anticipatory governance, and evidence-based decision-making. World leaders, including ANZ, have adopted the Pact which has been described as “ground-breaking” (United Nations, 2024); however, it is too soon to tell what effect it will have.

3.2 Young people in the international context

Young people are also recognised in international declarations, conventions, and treaties that set out the rights of children and emphasise the importance of youth engagement. The United Nations Convention on the Rights of the Child (1989) is a key human rights treaty that sets out the rights of young people. It includes a right to health including nutritious food, clean water, and an environment free from pollution (Article 24). The Convention entered into force in 1990 and requires the Parties to the Convention to implement legal measures to recognise the rights of children. As a result, many countries, including ANZ, have recognised the Convention in national legislation and have set up Children’s Commissions.

Additionally, many of the declarations described previously highlight the importance of youth engagement. This was indicated in the Rio Declaration (1992, Principle 21) which applauds

“the creativity, ideals and courage” of young people. However, it wasn’t until *The Future We Want* (2012) that the participation of young people was recognised as vital to achieving sustainable development. More recent documents continue to emphasise youth engagement. For example, the UN 75 Declaration (2020, para. 17) states:

“Young people today will have to live with the consequences of our action and inaction. For too long, the voices of youth have been side-lined in discussions about their future. This has to change now through meaningful engagement with youth.”

Our Common Agenda recommends political representation for youth, quality education, and meaningful engagement (United Nations, 2021). Similarly, a core focus of the *Pact for the Future* (2024) is on young people and includes protecting the rights of all young people and meaningful youth engagement at the national and international levels.

3.3 Influence of IEJ in the international context

As stated previously, international environmental policy is an important mechanism for IEJ because it can influence national policy. For example, several countries such as Finland, Israel, Hungary, Wales, and Singapore have established various Commissioners or Committees for the Future to embed futures thinking and protect the interests of future generations (Jones et al., 2018). Additionally, international developments have been integral to the emergence of climate movements, such as *School Strike4Climate*, and supported international climate litigation.

There are also limitations on the influence of international developments. International conventions may be legally binding if ratified and recognised in domestic law. However, voluntary commitments to conventions can also be reversed (e.g., when the USA left the Paris Agreement in 2020) and there may be little to no repercussions for not meeting targets. For example, Hayward (2021) describes how the Paris Agreement relies on domestic pressure and international scrutiny rather than international sanctions. Additionally, given that many of the key international documents on future generations are declarations rather than conventions, these typically only carry moral weight (Foo, 1992; Hannum, 1996; Slobodian, 2019). Additionally, more recent international documents referring to future generations seem to be rehashing early concepts, while failing to acknowledge systemic issues of short-termism and the economic system and continuing to gloss over the inherent challenge of finding a balance between present and future generations. In short, while seeming to be a vibrant and positive space, without strong legal backing, international developments are not driving change at the urgent pace required.

Chapter 4

Research methods

This chapter describes the research methods used for this dissertation. This includes a discussion of the rationale for and selection of the data collection methods, which included document analysis and semi-structured interviews. This chapter also describes the methods used for the analysis of the data and the key limitations of this research.

4.1 Research approach

This research adopts an interpretivist epistemological position to examine how young people and future generations are incorporated in environmental policy and planning in ANZ. An interpretivist approach is described by Bryman (2016, p. 375) as understanding “the social world through an examination of the interpretation of that world by its participants.” Specific to the research questions, an interpretivist approach was utilised to understand how young people and future generations are taken into account in the ANZ context by examining their presence or absence, how they are described, and the consideration given to them in environmental legislation, policy, and case law, including the interpretation of this by young people, policymakers, and academics in ANZ. By focusing on how IEJ is interpreted, insights can be gained as to the effectiveness of existing legal and policy frameworks as well as institutions and mechanisms to facilitate IEJ.

Additionally, the bi-cultural context of ANZ adds an important dimension to IEJ. As highlighted in Chapter 1, this research acknowledges the significance of te ao Māori and Māori environmental policy and planning practices. However, as I am not Māori, I am not well positioned to address this and, as a result, this research focuses on the Crown side of the dual planning framework described by Matunga (2000). However, I have sought to include Māori perspectives on the Crown environmental policy and planning practices.

4.2 Data collection

A qualitative approach was used to collect data through document analysis and semi-structured interviews on IEJ in ANZ. A qualitative approach was selected to gain rich insights into the meaning and context of documents and the experience and perceptions of interview participants. To address the research questions, data collection included document analysis and semi-structured interviews with six key informants.

4.2.1 Document analysis

Document analysis was utilised to examine a range of document types. In the context of the first research question, document analysis was selected to understand how young people and future generations are considered in environmental policy and planning, while relating this to the time and context in which the document was produced, revealing changes in the approach to IEJ over time.

In the first stage of document analysis, key environmental legislation was identified through a top-down and bottom-up process. Top-down identification included developing a list of key environmental legislation known to the researcher and added to from key sources including the Ministry for the Environment (n.d.) and Department of Conservation (n.d.) websites. Bottom-up identification involved a key word search on the New Zealand Legislation website (Parliamentary Counsel Office, 2024) for legislation containing the phrases: ‘future generations,’ ‘intergenerational,’ ‘children,’ ‘young people,’ and ‘environment.’ The resulting legislation was scanned for relevance. Other legislation was identified in the semi-structured interviews and subsequently added to the list. The resulting list of key environmental legislation is set out in Chapter 5. Notably, a number of statutes were included that, although not specific to the environment, relate to governance and youth involvement in environmental decision-making.

Following identification of key environmental legislation, key word search was utilised to identify the presence or absence of young people and future generations in the legislation. This also included a check for related concepts of sustainability and kaitiakitanga, as these were identified as relevant to IEJ in the literature in Chapter 2. Key phrases used for the search are identified in Table 4.1. Where these phrases were found to be present, those sections of the legislation were read to determine their relevance to the research question and, where relevant, examined in detail to understand how young people and/or future generations are taken into account.⁴ This also led to the identification of other relevant sections of legislation that did not necessarily contain one of the key words, considering that the absence of concepts often says as much as their presence. The relevant sections of legislation that include future generations and young people key words and phrases are included in Appendix D. In addition to key environmental legislation, the New Zealand Coastal Policy Statement (NZCPS) and national policy statements were examined utilising the same key word search process. The NZCPS and national policy statements provide national direction on environmental matters and are connected with ANZ’s key environmental legislation. A limitation of the research is

⁴ The phrase ‘take into account’ has specific meaning in planning case law and is weaker than ‘recognise and provide for’, e.g. *Bleakly v Environmental Risk Management Authority [2001] 3 NZLR 213*. In this dissertation, the phrase is used in a more general sense to understand the consideration given to young people and future generations, except where specific references are made to the language in statute, policy, or case law.

that it is focused on national-level legislation and policy. While it was intended to include a case study of policy and plans at the regional and district level, this would have exceeded the timeframe, size, and scope of the project.

Table 4.1: Key word search phrases

Future generations key words and phrases:	Young people key words and phrases:	Sustainability key words and phrases:	Kaitiakitanga key words and phrases:
Future generations Generations Intergenerational	Young people Young person Youth Child Children	Sustainability Sustain Sustainable	Kaitiakitanga Kaitiaki

Case law was also examined to clarify the meaning of legislation. For this research, a key phrase in the legislation but without definition is: “to meet the reasonably foreseeable needs of future generations” (RMA, s. 5). To analyse the meaning of this phrase, the “reasonably foreseeable needs of future generations” was searched on WestLaw and the first 50 cases out of approximately 400, sorted by relevance, were reviewed. This review of case law also provided useful examples of the level of detail to which effects on future generations have been assessed under the RMA and examples of specific needs of future generations. Appendix G includes a table of the analysed case law. This research would have benefited from a more in-depth review of case law; however, a more comprehensive review would have exceeded the timeframe, size, and scope of this project.

The second stage of document analysis involved the identification of institutions and mechanisms for IEJ. Statutory institutions and mechanisms were identified from the key environmental legislation, these have a legislative mandate to consider young people or future generations. A review of non-statutory mechanisms was also undertaken. Initially, a list of institutions and mechanisms known to the researcher was prepared, including youth advisory groups, youth councils, youth parliament, and long-term strategies and spatial plans. Others were identified through the examination of websites of institutions identified from the legislation, e.g., the Child & Youth Well-being Strategy was identified on the Mana Mokopuna (n.d.) website and research about the strategy led to the Ministry of Social Development (n.d.) website and the subsequent identification of the Ministry for Youth Development. Other institutions and mechanisms were identified in the semi-structured interviews and subsequently added to the list. The identified statutory and non-statutory institutions and mechanisms are included in Chapter 6.

4.2.2 Semi-structured interviews

This research utilised semi-structured interviews to delve into the complexities of IEJ in ANZ as perceived by key informants. Semi-structured interviews supplemented the documentary analysis to aid in addressing the second and third sub-question. The interviews provided an opportunity for key informants to identify institutions and mechanisms relevant to IEJ in ANZ and to explore their perspectives on the strengths, challenges, and possibilities of existing practices.

The interviews aimed to understand the key informants' perspectives on IEJ, thus semi-structured interviews were chosen over structured interviews to make the interview more conversational and to allow for insights that were significant to the interviewee to arise. Interviews began by asking the interviewee to give some background on their interest and experience with the topic area. This was followed by questions organised into three parts. Part 1 included questions about IEJ concepts and sought to understand how young people and future generations are included in ANZ environmental policy and planning. Part 2 questions sought to evaluate the current framework and included questions about key institutions and mechanisms for IEJ and their strengths and weaknesses. Part 3 questions looked to the future and asked interviewees for their recommendations to improve IEJ in ANZ. A full list of questions is included in Appendix C.

For this research, key informants with a wide range of roles and perspectives were sought. Youth under 18 were not interviewed as this research focused on the legislative and policy environment and sought participants that had work experience in this space as researchers, policymakers, and practitioners. Potential participants were identified from the literature review, document analysis, internet searches, as well as searches on LinkedIn. Snowball sampling was also applied. Participants were selected for recruitment based on their relevant knowledge of the topic and snowball sampling. Factors that indicated their knowledge included publications, presentations, research, and work experience related to the topic. I also sought to include participants that have experience working with youth and were themselves active in the youth environmental space when they were under 18.

Participants were contacted via a publicly available email address or LinkedIn message. The recruitment message included a research information sheet with the research aim, the scope of their involvement, and confidentiality of their participation. They were provided with a date for withdrawing from the research. A consent form was provided and returned to the researcher. The consent form is included in Appendix B. In some cases, written consent was provided before the interview by email and the consent form was completed and returned to the researcher after the

interview. All interview procedures had Human Ethics Committee approval (HEC2024-16) and adhered to the University's Ethics Protocol; the approval letter is included in Appendix A.

In total, six interviews were completed. While this was consistent with the research proposal, the research would have benefited from more interviews to allow for a wider range of experiences and perspectives, however, this was limited by the timeframe, size, and scope of the project. The participants included an academic, a researcher and former policymaker, a former politician, two young people (over 18) who have been involved in IEJ in ANZ from a young age, and a youth engagement specialist. Two of the participants had expertise relating more to youth, one had expertise relating more to future generations, one had expertise relating to both, and the other two had expertise relating more broadly to environmental policy and governance. There was one Māori participant. The participants are anonymous and random numbers have been used to refer to them in this dissertation.

All interviews were undertaken online with Microsoft Teams. This method was chosen to enable interviews with individuals outside of Christchurch and allow for simultaneous recording of the interviews. One interviewee did not want to be recorded, so notes were taken instead. Interviews ranged from 30 minutes to 1 hour and 15 minutes, depending on the availability of the interviewee. After the interview, transcripts were created from the recording, checked by the researcher, and provided to the participants for review and approval. Many of the participants preferred to review only the specific quotes to be used in the dissertation instead of the full transcript, so upon identifying quotes to be used, these were sent for their review and approval. As one interview was not recorded and only notes were taken, no transcript or quotes were sent to this participant for review. The semi-structured interview data was stored on a computer hard drive and password protected with the identification of participants stored separately from transcripts.

4.3 Data analysis

Data collected from the document analysis on legislation and policy was analysed based on the key search phrases described previously as well as themes related to standards and framing of IEJ identified from the literature review. The key environmental legislation and national policy statements were organised in chronological order to examine how the presence of such phrases and IEJ themes changed over time. The analysis table is included in Appendix F. Findings from the document analysis on legislation are set out in Chapter 5. Data collected from the second stage of the document analysis was compiled into tables of statutory and non-statutory institutions and mechanisms and is included in Chapter 6.

Thematic analysis of the interview data was conducted using NVivo 12 software. During thematic analysis, transcripts and notes from interviews were analysed and coded with 'nodes' or key themes, the perspectives of different interview participants were then compared across these key themes. Where interview participants mentioned legislation, these were reviewed for relevance to the research topic and added to the documentary analysis on legislation if not already included. Findings from the interviews relating to legislation were also incorporated into Chapter 5 where relevant. Additionally, further sources such as reports, documents, or examples were sometimes mentioned by the interview participants. After the interviews, these further sources were reviewed as secondary data to support the interview findings in Chapter 6 where relevant. However, not all further sources were able to be followed up and included due to time constraints.

Chapter 5

Young people and future generations in ANZ's key environmental legislation

This chapter examines how future generations and young people are included in ANZ's key environmental legislation and policies. To do so, it primarily draws on document analysis of key environmental legislation as well as national policy statements and case law, while weaving through relevant findings from the semi-structured interviews.

The first section examines the presence or absence of young people and future generations in key environmental legislation. Future generations are only present in one-third and young people are only present in two of the 40 statutes reviewed. The second section identifies three phases of how IEJ has been framed over time. The first phase encompassed the years when future generations first appeared in ANZ legislation in the context of international emerging concepts of IEJ. The second phase began with the enactment of the RMA in 1991 and saw the inclusion of the "reasonably foreseeable needs of future generations" (RMA, s. 5) in the definition of sustainable management. The third phase did not have a distinct beginning, rather a transition began in the second phase and culminated in the mid-2010s, during which there was a shift to focusing on future generations in terms of well-being and referring to present and future generations together.

5.1 Inclusion of young people and future generations in key environmental legislation

The first step to understanding how young people and future generations are taken into account in ANZ's environmental policy and planning was to examine the presence or absence of young people and future generations in key environmental legislation. Table 5.1 includes the number of references to future generations, young people, sustainability, and kaitiakitanga within key legislation.

Sustainability and kaitiakitanga were included as these concepts are linked with IEJ in the literature, as discussed in Chapter 2. The highlighted cells are those that include references that are relevant to this research. The table also notes where references were introduced by amendment rather than in the legislation as enacted and where references are present but unrelated to the research. Of critical importance are the number of statutes lacking explicit and relevant references to young people and future generations. Only two out of the 40 statutes reviewed had explicit and relevant references to young people and explicit references to future generations were only present in about one-third of

the legislation reviewed. A similar table for national policy statements is included in Appendix E.

Appendix D contains the relevant sections of text from the legislation and national policy statements.

Table 5.1: IEJ concepts in ANZ's key environmental legislation

Legislation	Future generations	Young people	Sustainability	Kaitiakitanga
Soil Conservation and Rivers Control Act 1941	0	0	0	0
Land Act 1948	0	0***	0	0
Forests Act 1949	0	0	88*	0
Wildlife Act 1953	0	0***	0	0
Marine Reserves Act 1971	0	0	0	0
Local Government Act 1974	0	0	0	0
Reserves Act 1977	0	0	0	0
National Parks Act 1980	0	0	0	0
Public Works Act 1981	0	0	0	0
Environment Act 1986	1	0	1	0
Conservation Act 1987	2	0	1	4
Marine Mammals Protection Act 1987	0	0	0	0
State Sector Act 1988 (repealed)	0	0	1*	0
New Zealand Bill of Rights Act 1990	0	0***	0	0
Resource Management Act 1991	2**	0	12	6
Crown Minerals Act 1991	0	0	0	0
Treaty of Waitangi (Fisheries Claims) Settlement Act 1992	0	0	0	0
Biosecurity Act 1993	0	0	4	0
Fisheries Act 1996	1	0	65	8
Hazardous Substances and New Organisms Act 1996	2	0***	9	0
Ozone Layer Protection Act 1996	0	0	0	0
Crown Pastoral Land Act 1998	2*	0	10	0
Land Transport Act 1998	0	0***	3	0
Energy Efficiency and Conservation Act 2000	1	0	2	0
Local Government Act 2002	1	0***	4	0
Climate Change Response Act 2002	6**	1	28	0
Land Transport Management Act 2003	0	0***	1	0
Māori Fisheries Act 2004	0	0	1	0
Building Act 2004	0	0***	3	0
Waste Minimisation Act 2008	0	0	0	0
Marine and Coastal Area (Takutai Moana) Act 2011	1	0	2	4
Environmental Protection Authority Act 2011	0	0	0	0
Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012	1	0	3	0
Heritage New Zealand Pouhere Taonga Act 2014	1	0	0	0

Environmental Reporting Act 2015	0	0	0	0
Public Service Act 2020	0	0	0	0
Urban Development Act 2020	0	0	3	0
Children and Young People’s Commission Act 2022	0	559	0	0
Natural and Built Environment Act 2023 (repealed)	13	0	9	6
Spatial Planning Act 2023 (repealed)	1	0	1	1

Notes:

* All references are from a later amendment.

** Some references are from a later amendment.

*** Contains references that are not relevant to the research topic (not included in the count).

Explicit and relevant mentions of young people were only found in two of the statutes reviewed. The Children and Young People’s Commission Act 2022 is notable for the number of references, but this is not surprising given it establishes a Commission to “promote and advance the rights, interests, and participation of children and young people and improve their well-being” (s. 4). Most legislation spoke of the present generation. While young people are implicitly part of the present generation, it is unclear if ANZ’s legislation considers them a future generation too, as highlighted in Chapter 2 (see section 2.1.4). There are no definitions for present or future generations in the legislation reviewed (see section 5.2.2 for a discussion of case law). Some of the interviews touched on the absence of young people in legislation. Respondent 4 suggested that legislation identify young people as a “stakeholder”⁵ and include a mandate to consult with them.

Future generations are explicitly mentioned in 14 of the 40 statutes reviewed. The first reference is in the Environment Act 1986 and references appear sporadically in other legislation up to the present. Notably, if considering only the reviewed legislation enacted since 1986, future generations are referenced in nearly half (14 out of 31). Their inclusion is linked with other concepts. Most legislation containing future generations also contains the concept of sustainability. However, this correlation is unidirectional, as not all legislation including sustainability also includes future generations. This demonstrates how IEJ is intertwined with sustainability, but also shows that sustainability has evolved beyond IEJ to focus on intragenerational justice and the environment. Regarding kaitiakitanga, all legislation containing kaitiakitanga also contains future generations, as well as sustainability. However, kaitiakitanga appears less frequently and more sporadically.

Several of the interviews also touched on the presence and absence of future generations in ANZ’s legislation. Respondent 3 commented that lots of legislation requires future generations to be taken into account but emphasised that in practice this does not happen. Respondents 2 and 4 described the absence of future generations from the NZBORA as problematic and noted the lack of

⁵ This term was used by most interview participants so is used throughout this dissertation.

a right to a healthy environment. Respondent 2 stated: “We don’t have some of the legal protections that we could have that would be relevant to future generations in those sort of constitutional type documents.” The exclusion of these protections is noteworthy since they were recommended in the Brundtland Report (United Nations, 1987).

Importantly, aside from references to future generations and intergenerational equity, there are other frameworks in ANZ’s legislation to protect future interests. Respondent 2 identified frameworks including “the long-term public interest” from the Public Service Act 2020 (s. 11) and “stewardship.” However, they stated: “Now my personal view would be that given the mess we’re in nationally and globally, the provisions, legally at least, to protect future interests are clearly not sufficient.” This sentiment was echoed by other participants, suggesting that despite the presence of future generations and future-focused frameworks, current legislation is not sufficient to achieve IEJ.

5.2 Three phases of framing IEJ within ANZ’s key environmental legislation and policies

This section describes the evolution of IEJ concepts in ANZ’s key environmental legislation and policies through three identified phases (see Figure 5.1). The phases are distinguished by their framing of future generations which relate to international and theoretical perspectives on IEJ and sustainability. However, there are also notable inconsistencies across all phases.

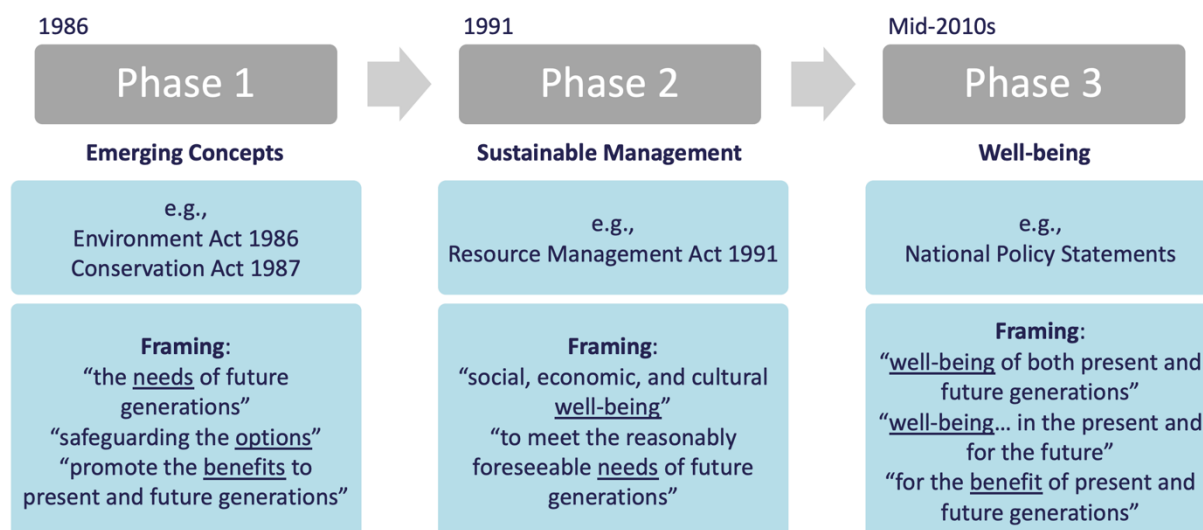


Figure 5.1: Phases of framing in ANZ’s key environmental legislation and policy

5.2.1 First phase: Emerging concepts of future generations and sustainability

The first phase is characterised by the emergence of future generations and sustainability in ANZ’s legislation, which is shaped by the broader global discourse on sustainability and IEJ. During this

phase, the Environment Act 1986 and Conservation Act 1987 were enacted in close succession but utilise different concepts and framings.

The first mention of future generations in ANZ's environmental legislation is in the Environment Act 1986. The purpose of the Act, set out in the Title, is to establish the PCE and the Ministry for the Environment (MFE). The Act's only reference to future generations is in the Title which states that "(c) ... in the management of natural and physical resources, full and balanced account is taken of ... (v) the *needs of future generations*" (emphasis added). Notably, the list also includes sustainability (iv). The Act goes on to set out the functions of both the PCE (s. 16) and MFE (s. 31), as well as the matters to which these organisations must regard (s. 17). Notably, these sections do not include any further mention of future generations. Thus, despite a clear mandate to take into account the needs of future generations in the Title, it is unclear how this is actually operationalised.

The Conservation Act 1987 was the second statute to refer to future generations. The Act established the Department of Conservation (DOC), the New Zealand Conservation Authority, and regional Conservation Boards, to promote the conservation of natural and historic resources. The first reference to future generations is in the definition of conservation which states: "Conservation means the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and *safeguarding the options of future generations*" (s. 2, emphasis added). The second reference is one of the functions of DOC which is "(c) to promote the *benefits to present and future generations of*" conservation (s. 6, emphasis added). This legislation goes further than the Environment Act 1986 in that it sets out the functions of DOC concerning future generations.

The different language used in these Acts reflects their origins. The Environment Act 1986 mentions the needs of future generations which reflects the IEJ framing of needs (see Chapter 2, Section 2.1.3). In the Conservation Act 1987, the concepts of 'protection,' 'safeguarding,' and 'benefits' are similar to those found in Principles 1 and 2 of the Stockholm Declaration (see Chapter 3, Section 3.1). However, the Environment Act 1986 only mentions future generations in the Title, making it unclear how it is operationalised by the PCE and MFE. This raises the question: Is it just aspirational or functional? In contrast, the Conservation Act 1987 includes future generations in the functions of DOC (s. 6), establishing a clear requirement. These differences may be intentional, reflecting the different purposes of the institutions created by these Acts, or they may be the result of uncoordinated attempts to incorporate emerging international concepts into national legislation.

5.2.2 Second phase: Sustainable management and the reasonably foreseeable needs of future generation

The second phase begins with the enactment of the RMA in 1991 which draws inspiration from sustainable development in the Brundtland Report. The RMA's definition of sustainable management includes future generations and becomes a core definition and approach in ANZ. The language of the RMA, though with some variation, is repeated in subsequent legislation and policy over the following two and a half decades. Core components of sustainable management include the "social, economic, and cultural well-being" (s. 5(2)) of the present generation which is placed separately from the "reasonably foreseeable needs of future generations" (RMA, s. 5(2)(a)). The structuring and use of different framings (present well-being and future needs) establishes different standards of care for the present compared to future generations. However, in the conversations with interview participants, Respondent 2 highlighted the benefits of a needs-based approach for future generations, due to the knowability of needs, stating: "There will be certain things that are essential to human flourishing, regardless of time period." The following paragraphs explore the framings and related concepts in ANZ's legislation during this phase, demonstrating the connections between sustainability and IEJ.

IEJ concepts in the RMA and its influence on subsequent legislation

The RMA set a precedent for how future generations would be included in legislation over the subsequent 25 or so years. It is the key resource management legislation in ANZ and sets out the requirements for national policy statements and regulations, regional council policy statements and plans, territorial authority plans, and resource consenting. It has been amended numerous times.

The RMA contains two references to future generations. The first is in the Purpose of the Act (s. 5), as part of the definition of sustainable management (emphasis added):

5 Purpose

- (1) The purpose of this Act is to promote the *sustainable management* of natural and physical resources.
- (2) In this Act, sustainable management means *managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The definition of sustainable management was inspired by the concept of sustainable development from the Brundtland Report (Memon, 1993) (see Chapter 3, section 3.1). Notably, the Brundtland

definition refers to needs for both present and future generations, whereas the RMA definition refers to the well-being of present generations and the needs of future generations. Knight (2018) highlights that this was a result of revisions undertaken by the National Party after their election in 1991 during the final stages before the RMA's enactment. The original definition was closer to the Brundtland definition, referring to the needs of both present and future generations (Knight, 2018).

The enacted definition is arguably narrower than the original definition. Gleeson & Grundy (1997) highlight that the original definition allowed for the inclusion of social and bio-physical needs of future generations. By contrast, the enacted definition limits the obligation of the present to the needs of future generations that are reasonably foreseeable and are in relation to natural and physical resources⁶. This reduced the scope of the IEJ aspect of sustainable management to exclude social equity issues, which are critical in the Brundtland Report (Gleeson & Grundy, 1997; Memon, 1993). Given that sustainable management allows the present generation to provide for their "social, economic, and cultural well-being and for their health and safety" (RMA, s. 5(2)), limiting the consideration of future generations to only "natural and physical resources" and "needs", a concept which is arguably narrower than well-being, establishes very different standards of intergenerational care. Critically, the RMA lacks definitions for both well-being and needs.

It is also notable that minerals are excluded; this was another revision just before the RMA was enacted (Knight, 2018). It is also a divergence from the Brundtland Report, which states that for non-renewable resource use "the rate of depletion should take into account the criticality of that resource, the availability of technologies for minimising depletion, and the likelihood of substitutes being available" (United Nations, 1987, p. 43). This does not simply exclude non-renewable resources as the RMA has done. Significantly, the exclusion of minerals, a non-renewable resource, could be indicative of the no-satisfaction sceptic argument which purports that future generations do not have a right to resources that do not exist in their time (see Chapter 2, section 2.1.1)

The second reference in the RMA is found in Schedule 4, which sets out the information required for resource consent and preparation of an Assessment of Environmental Effects (AEE). Importantly, effects on future generations must be considered when preparing an AEE. This includes: "any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for *present or future generations*" (Schedule 4, Part 7(1)(d), emphasis added).⁷ Notably, the focus on values is inconsistent with the previous framing of future generations in terms of needs. Additionally, Schedule 4 Part 2 describes the information

⁶ "natural and physical resources includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures" (RMA, s. 2).

⁷ Found in Schedule 4 Part 2(d) as originally enacted.

required in applications which includes an assessment against Part 2 of the Act and the purpose of sustainable management which includes the “reasonably foreseeable needs of future generations” (s. 5(a)). This provision was added in 2015 by the Resource Management Amendment Act 2013.

While Schedule 4 demonstrates that AEEs are a mechanism for taking future generations into account in decision-making, there is no defined method for identifying potential effects on the values of future generations. This raises the question: How do decision-makers assess the effects on resources with value to future generations? To do so, they must first make a judgement about what future generations will value. However, values are individually subjective and even societal values change from generation to generation (e.g., Inglehart, 2008); thus, emphasising the question: How can the values of future generations be known with certainty? This highlights an inherent challenge with the legislation’s framing and indicates that there is a lack of process transparency.

Despite the inconsistencies within the RMA, sustainable management and the reasonably foreseeable needs of future generations appear in a number of other Acts passed after the RMA. The Fisheries Act 1996, Hazardous Substances and New Organisms Act 1996, Energy Efficiency and Conservation Act 2000, and Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 utilise similar concepts and framing. The similarities demonstrate the influence of the RMA on IEJ and sustainability concepts in subsequent environmental legislation in ANZ.

Other references to future generations in the second phase

There are several other statutes that refer to future generations in the second phase but do not conform with the RMA. These outliers include the LGA, Climate Change Response Act 2002, Marine and Coastal Area (Takutai Moana) Act 2011, and Heritage New Zealand Pouhere Taonga Act 2014. The differences in these Acts signal some of the changes to come in the third phase.

The LGA is an outlier because it uses the concept of sustainable development, as was used in the Brundtland Report, instead of sustainable management as in the RMA. The LGA sets out the purpose and framework of local government and “provides for local authorities to play a broad role in promoting social, economic, environmental and cultural well-being of their communities, taking a sustainable development approach” (LGA, s. 3(d)). There is only one explicit reference to future generations, which is found in the definition of sustainable development. In the context of IEJ, there are parallels between the definitions of sustainable development in the LGA and sustainable management in the RMA. Notably, the inclusion of “(i) the social, economic, and cultural well-being of people and communities” and “(iii) the reasonably foreseeable needs of future generations” (s. 14(1)(h)). However, while guided by the language and structure of the RMA (present well-being and future needs), the LGA does not limit the consideration of the needs of future generations to just

natural and physical resources. This is due to the wider scope of the LGA and the role of local government which extends beyond the management of the environment.

In other sections of the LGA, present and future are referred to together and the framing of needs, interests, and well-being are used somewhat interchangeably and without definitions. These highlight further inconsistencies. For example, the LGA states the purpose of local government is “to promote the social, economic, environmental, and cultural *well-being* of communities, in the present and for the future” (s. 10(1)(b), emphasis added) and requires local authorities to take into account “the *interests* of future as well as current communities” (s. 14(i)(c)(ii), emphasis added). Notably, the original wording of the Act was amended in 2012 by the Local Government 2002 Amendment Act 2012. This amendment narrowed the role of local government by shifting to the framing of “current and future *needs* of communities” (s. 10, emphasis added).

The Climate Change Response Act 2002 (CCRA) is also an outlier in the second phase as it does not refer to sustainable management or the reasonably foreseeable needs of future generations. The Act established the legal framework for ANZ to meet its international obligations under the UNFCCC and subsequent climate treaties. As enacted in 2002, references to future generations were only in Schedule 1 which sets out the UNFCCC and includes the concepts of protection and benefits. However, despite recognising the obligation to protect the climate system for future generations, it was not until 2019 when the Climate Change Response (Zero Carbon Amendment) Act 2019 was passed that the CCRA came to include functions that refer to future generations. This is discussed in the third phase section of this chapter (see section 5.2.3).

Other outliers in this phase include the Marine and Coastal Area (Takutai Moana) Act 2011 and the Heritage New Zealand Pouhere Taonga Act 2014. Each of these contains only one reference to future generations. They also include concepts of protection, benefits, and safeguarding options.

IEJ concepts in the New Zealand Coastal Policy Statement and early national policy statements

The influence of the RMA on national-level policy is also evident during the second phase, including the first and second versions of the NZCPS, National Policy Statement on Electricity Transmission 2008, and National Policy Statement for Freshwater Management 2014.

The NZCPS is required by the RMA and was first issued in 1994. The NZCPS 1994 included two mentions of future generations. The first is in re-stating the purpose of the RMA. The second is in the special context of the coastal environment which states: “cultural, historical, spiritual, amenity and intrinsic *values* are the *heritage of future generations*” (p. 3, emphasis added). Notably, this identifies specific present values that are deemed important to future generations too. Raising again the

question: How do we know what future generations will value? When the NZCPS was updated in 2010 it provided increasing specificity about aspects deemed to be important for future generations such as “natural character, public access, amenity and other values of the coastal environment” (Policy 3), the potential of renewable resources and marine energy (Policy 6), access to public open space (Policy 18), and sustaining the potential of built physical resources (Policy 27). Notably, in Policies 3 and 18, the phrase ‘reasonably foreseeable’ has been dropped as they identify specific resources that will be needed.

Subsequent national policy statements also identify specific resources, values, and needs of future generations. For example, the objective of the National Policy Statement Electricity Transmission 2008 (NPS-ET) is “to recognise the national significance of the electricity transmission network ... to *meet the needs of present and future generations*” (p. 3, emphasis added). The National Policy Statement for Freshwater Management 2014 (NPS-FM) refers to te ao Māori concepts of mahinga kai⁸ and wai tapu⁹ and in the context of these refers to intergenerational harvest and knowledge. It also states that “*all New Zealanders* have a common interest in ensuring the country’s freshwater lakes, rivers, aquifers and wetlands are managed wisely” (p. 3, emphasis added). This raises the question: Does ‘all New Zealanders’ include future generations? If so, the NPS-FM identified many values and interests of future generations regarding freshwater. There have been several amendments to the NPS-FM which will be discussed in the third phase.

What are the reasonably foreseeable needs of future generations?

The frequent reoccurrence of the phrase ‘the reasonably foreseeable needs of future generations’ raises key questions: Who are future generations and what are the reasonably foreseeable needs of future generations? Despite the presence of this phrase in several statutes, it is not explained or defined. To shed light on these questions, a review of case law was undertaken. However, given time constraints, only a small subset of relevant case law was reviewed (see Chapter 4), thus there is significant scope for a more in-depth analysis of case law on this topic.

Of the 50 cases reviewed, a very limited number undertook any exploration of the meaning of the reasonably foreseeable needs of future generations. *Canterbury Regional Council v Selwyn District Council [1997] NZRMA 25* defined future generations by negation as “rather than present people and communities” (p. 13). Another relevant case, *Canterbury Regional Council v Christchurch City Council [2001] ELHNZ 515*, reported that witnesses understood future generations to refer to about two generations into the future; however, the court considered this to be a minimum with

⁸ “Food gathering, places of food” (NPS-FM 2014, Appendix 1).

⁹ “Sacred waters” (NPS-FM 2014, Appendix 1).

upward flexibility which “depends on the nature both of the resource being considered and the threat to it” (para. 18). While emphasising flexibility, these definitions make it clear that young people are not considered to be future generations in the ANZ context.

Considering the meaning of reasonably foreseeable needs, *Canterbury Regional Council v Selwyn District Council* also defined these by negation. Reasonably foreseeable was described as “rather than presently ascertainable” and needs was described as “rather than well-being or health and safety” (p. 13). The findings from this case also stated that:

“Needs need not be defined, but must be reasonably foreseeable, and if they are reasonably foreseeable, then it is competent for a Regional Council to protect resources which may be necessary to meet those needs provided it can base its decision on fact and sustainable prediction” (p. 19).

This leaves the identification of needs open to interpretation but simultaneously grounded in logic.

What are the reasonably foreseeable needs of future generations? Many of the cases analysed identified needs. For example, *Royal Forest & Bird Protection Society of New Zealand v Manawatu-Wanganui Regional Council [1996] NZRMA 241*, stated that “it is reasonably foreseeable that future generations will need the same natural and physical resources as are available to this generation” (p. 32). Cases also focused on specific resources. For example, *Royal Forest & Bird Protection Society of New Zealand v Manawatu-Wanganui Regional Council* identified a need for healthy Indigenous forest, *Pickmere v Franklin District (1993) 1A ELRNZ 348* identified a need for high quality soils for primary production, *Lambly v Whangarei District [1993] ELHNZ 140* identified a need for the natural character of the coastal environment, *Harrison v Tasman District Council [1994] NZRMA 193* identified a need for an estuary for marine food resources, *Marr v Bay of Plenty Regional Council [2010] ELHNZ 457* identified the need for employment opportunities, and *JA Howie No 2 Trust v Auckland City Council [1996] ELHNZ 372* identified the need for open space for recreation.

In some cases, a logical argument identified the need, the resource required, and justification for protecting that resource, or not, in the context of the case. Referring back to a previous example, *Canterbury Regional Council v Selwyn District Council* identified a reasonably foreseeable need to produce food, which requires versatile soils, however, they found that the loss of versatile soil in the case would be so minor as to have no effect on future access to versatile soils for producing food. However, several of the cases reviewed (e.g., *DL Newlove Ltd v Northland Regional Council [1994] ELHNZ 86*) did not set out a structured argument and simply made a sweeping statement that the needs of future generations would not be affected.

These examples demonstrate how the reasonably foreseeable needs of future generations are open to interpretation and can conflict. For example, *Canterbury Regional Council v Selwyn District Council* recognised that future generations need versatile soils for food production but also need urban growth, so they have a place to live. Another example, *Marr v Bay of Plenty Regional Council*, contrasted the needs for the mauri¹⁰ of a river with employment and economic opportunities. This presents challenges. Without being able to consult with future generations, how do we know what they would prefer? As pointed out by *Canterbury Regional Council v Selwyn District Council*, regional and district policies and plans can provide direction on this by setting out policies to protect resources based on “fact and sustainable prediction” (p. 19). Additionally, national policy statements, as already seen with the NZCPS, NPS-ET, and NPS-FM, have provided direction and identified national priorities. Without such direction, the openness of the reasonably foreseeable needs of future generations risks becoming an empty signifier which is aspirational at best.

5.2.3 Third phase: Providing for the well-being of present and future generations

The third phase came to fruition in the second half of the 2010s and is characterised by references to present and future generations together and framing around well-being instead of needs. There is also a re-emergence (although not a consistent one) of concepts such as benefits and protection. Notably, there was less legislation passed in this phase, but there were several significant amendments and new national policy statements. There was also a major reform of the RMA culminating in its repeal and replacement by the Natural and Built Environment Act 2023 (NBEA) and Spatial Planning Act 2023 (SPA). However, following a change in government in 2023, these Acts were both repealed, and the RMA was reinstated with promises of another reform in the future.

The shifts during this phase were likely the result of several interacting developments. In the national context, this included the decision of *Environmental Defence Society Inc v New Zealand King Salmon Company Limited [2014] NZSC 38* (commonly known as the King Salmon Decision), relating to the interpretation of the RMA that shifted from an overall judgement approach to understanding sustainable management as an integrated whole. At a national and international level there has been widespread interest in a well-being approach, this is reflected nationally in ANZ’s Living Standards Framework and Well-being Budgets. In this context, Respondent 6 described well-being as a “high-level purpose” but also “quite intangible and hard to measure and deliver,” referring to it as a good idea that “hasn’t really transformed the system.” At the international level sustainability has continued to be a central focus, but climate change has also been prominent, and IEJ has gained increasing attention (see Chapter 3).

¹⁰ “Life principle, life force, vital essence, special nature” (Te Aka Māori Dictionary, n.d.).

Legislative amendments bringing greater focus and mandate to future generations

While there has been less new legislation in the third phase, there were several key amendments that brought increased focus to future generations, reflecting the shift from needs to well-being, and increasing the mandate to take future generations into account.

In the previous phase, the LGA transitioned to a narrower scope focusing on needs rather than well-being. However, in 2019, the Local Government (Community Well-being) Amendment Act 2019 reversed these amendments, reverting sections 3 and 10 back to their original wording and a wider well-being focus. However, despite the shift back to well-being, some sections still refer to interests and needs, demonstrating continuing inconsistencies.

The CCRA was amended in 2019 by the Climate Change Response (Zero Carbon) Amendment Act 2019. This established the Climate Change Commission and requires the Commission to consider “(e) the distribution of benefits, costs, and risks *between generations*” (s. 5M, emphasis added). It also sets out the requirements to prepare emissions budgets and emissions reduction plans (ss. 5V-5ZOB). When preparing and advising on emissions budgets, the Commission and Minister must have regard to “(vii) impacts across the regions and communities of New Zealand, and *from generation to generation*” (s. 5ZC(2)(b), emphasis added). The CCRA has undergone further amendments since 2019. The Climate Change Response (Emissions Trading Reform) Amendment Act 2020 inserted the Paris Agreement into Schedule 2A of the Act. This provides a legal mandate for climate action with a view to the rights of children and to promote intergenerational equity. These amendments brought increasing focus to future generations and intergenerational trade-offs of climate policy.

Another amendment was the Crown Pastoral Land Reform Act 2022 which amended the Crown Pastoral Land Act 1998 (CPLA). In its original form, the CPLA contained no references to future generations. However, this amendment introduced two. The first is in the Purpose of the Act which includes “maintaining or enhancing the inherent values across the Crown pastoral estate for *present and future generations*, while providing for ongoing pastoral farming of pastoral land” (s. 1A(a), emphasis added). This is repeated in the outcomes for decision-makers (s. 4(1)(a)). The obligations to future generations set out in the amended version of the Act are based on the assumptions that inherent values¹¹ are locally identifiable, are of shared importance to present and future generations, and that a balance with pastoral farming activities is necessary.

¹¹ “**inherent value**, in relation to any land, – (a) means a value that arises from an ecological, a landscape, a cultural, a heritage, or a scientific attribute or characteristic of a natural resources that – (i) is in or forms part of the land or exists by virtue of the natural character of the land; or (ii) relates to a historic place on or forming part of the land; but (b) does not include a pastoral farming activity” (CPLA, s. 2).

National policy statements in the third phase

There were a number of national policy statements issued in the third phase, many demonstrate the same trends of referring to present and future generations together and utilising the framing of well-being, and concepts of benefits and protection. These also identify specific resources that are important to future generations, increasing protection measures for future generations.

The NPS-FM was amended in 2017. This version defined the concept of 'Te Mana o te Wai' which means putting the health of freshwater first. It was again overhauled in 2020 with further amendments in January 2024. The January 2024 version has six principles which include kaitiakitanga and stewardship. These place an obligation on tangata whenua and all New Zealanders to manage freshwater to benefit and sustain present and future generations. It sets out a hierarchy with the health of water first, the health needs of people second, and present and future social, economic, and cultural well-being third (p. 10). Sometimes the phrase "now and into the future" is used instead of explicitly referring to future generations. This phrase appears in other national policy statements such as the National Policy Statement on Urban Development 2020 (NPS-UD) and National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB). Regarding structuring, concepts and framing, the NPS-FM 2020 (as amended January 2024) refers to present and future generations together, uses the framing of well-being, and concepts of benefits and obligations.

The NPS-UD contains several references to future generations. Objective 1 seeks to achieve "well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural *wellbeing*, and for their health and safety, *now and into the future*" (p. 10, emphasis added). Objective 4 is: "New Zealand's urban environments, including their amenity values, develop and change over time in response to the *diverse and changing needs of people, communities, and future generations*" (p. 10, emphasis added) and Policy 6 builds on this referring to amenity values that may be appreciated by future generations such as increased housing density. The NPS-UD shows the same trend of referring to present and future generations together. However, it also recognises that amenity values may vary between generations. Interestingly, it utilises the language of both well-being and needs and considers needs to be diverse and changing, which is inconsistent with previous framings of needs as the same across generations.

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) provides a clear mandate to protect highly productive land for future generations. There is an overall objective which requires protection of highly productive land "for use in land-based primary production, both *now and for future generations*" (p. 7, emphasis added). To achieve this, local government responsibilities include "(c) taking a long-term, strategic approach to protecting and managing highly productive land

for *future generations*” (p. 8, emphasis added). Interestingly, the NPS-HPL includes neither needs nor well-being but does include the concept of protection.

It is interesting that the national policy statements in the third phase utilise the concept of well-being and refer to present and future generations together because national policy statements are released under the RMA to achieve the purpose of sustainable management (RMA, s. 45(1)). Because of this, it would be anticipated that national policy statements would use the same framing as the RMA. However, like the RMA and other legislation, there are also inconsistencies.

IEJ concepts in the resource management reform

This phase also saw a major overhaul of the resource management system culminating in the repeal of the RMA and its replacement with the NBEA and SPA. These Acts were only enacted briefly before being repealed after the 2023 election following a change in government. However, it is worth briefly looking at the references to future generations in these Acts.

The NBEA contains 12 mentions of future generations throughout the Act. Notably, it moves away from the sustainable management definition from the RMA and sets out a new purpose and definition, as follows (emphasis added):

3 Purpose of this Act

- (1) The purpose of this Act is to uphold te Oranga o te Taiao.
- (2) The purpose must be achieved in a way that—
 - (a) protects the health of the natural environment; and
 - (b) subject to paragraph (a), enables the use and development of the environment in a way that promotes the *well-being of both present and future generations*.
- (3) Te Oranga o te Taiao means all of the following:
 - (a) the health of the natural environment; and
 - (b) the relationship between the health of the natural environment and its capacity to sustain life; and
 - (c) the relationship between the health of the natural environment and the health and well-being of people and communities; and
 - (d) the interconnectedness of all parts of the environment; and
 - (e) the relationship between iwi and hapū and te Taiao that is based on whakapapa.

The other references to future generations in the Act identify specific issues of importance to future generations, such as places of national significance, highly vulnerable biodiversity areas, sustainable use of the coastal marine area, timely provision of infrastructure, protection of highly productive land, risks to human health, ecological integrity, the setting of environmental limits, and the rights of owners of identified Māori land. Notably, the framing of well-being is used as is the concept of benefits and present and future generations are referred to together. This is consistent with the key shifts described in this phase. However, the framing of needs is also used at times.

The SPA accompanied the NBEA in replacing the RMA and was also later repealed. The purpose of the SPA was to “provide for regional spatial strategies” that achieve the purpose of the NBEA. A regional spatial strategy would cover 30 years (s. 15). The SPA contains only one reference to future generations, which is specific to future generations of owners of identified Māori land (s. 26). However, the long-term focus of the regional spatial strategies, in connection with the purpose of the NBEA, indicates that regional spatial strategies would have been a key mechanism for taking future generations into account if the NBEA and SPA had not been repealed.

5.3 Summary of findings

The first section of this chapter traced the presence and absence of young people and future generations in ANZ’s key environmental legislation and national policy statements. This review revealed more absences than presences. This was particularly true for young people, who only had relevant and explicit references in two of the 40 statutes reviewed. While they would implicitly be included in the present generation, the review of case law made it clear that they would not be categorised as future generations. Future generations were found to be absent from roughly two-thirds of the legislation reviewed, but where they were present there was a strong correlation with sustainability concepts. Importantly, interviewees highlighted an overall sentiment that existing legislation was insufficient to achieve IEJ.

The second section of this chapter looked at how IEJ has been framed in ANZ’s key environmental legislation and national policy statements over time. This analysis revealed three phases with common themes on how future generations have been framed. The first phase only included two statutes which had different framings of future generations, highlighting the emerging nature of IEJ theory and concepts internationally. The second phase began with the enactment of the RMA in 1991 which has the Purpose of sustainable management. Contained within that definition is the phrase “to meet the reasonably foreseeable needs of future generations” (s. 5). Despite the connection of the RMA to the Brundtland Report, the RMA includes a narrower interpretation of sustainable management and IEJ. Still, sustainable management and the reasonably foreseeable needs of future generations became an influential framing of IEJ in the second phase. However, there were some notable outliers which signalled the changes to come in the third phase. The transition to the third phase culminated in the mid-2010s. This phase saw a shift from framing in terms of needs to well-being, with present and future generations referred to together. Notably, national policy statements through the second and third phases have created an increasing mandate to protect and manage specific resources that are recognised as important to future generations.

Chapter 6

Perspectives on the inclusion of young people and future generations

In this chapter, I turn to examine different perspectives on how young people and future generations are included. To do this, I draw primarily on the analysis of the semi-structured interviews. The first section sets out the key institutions and mechanisms identified from the document analysis and semi-structured interviews and highlights the differences between young people and future generations and how they are included. The second section explores the perceived strengths, challenges, and possibilities of existing practices that include young people. The third section does the same for existing practices that consider future generations. The fourth section covers underlying and systemic challenges that apply to both young people and future generations, including issues such as political ideology, short-termism, and the dominant economic system.

6.1 Existing institutions and mechanisms

The document analysis and interviews revealed a number of institutions and mechanisms that must consider young people and future generations in ANZ's environmental policy and planning. Statutory institutions and mechanisms are shown in Table 6.1. Many of these have an explicit requirement to take young people or future generations into account (e.g., local government). Others do so through the purpose of sustainable management or development which refer to future generations in their definitions (e.g., national policy statements). Others focus on the long-term public interest (e.g., the public service). The latter is relevant, as there is a connection between long-term interests and those of future generations. Non-statutory institutions and mechanisms are in Table 6.2. While few of the statutory institutions and mechanisms explicitly refer to young people, most of the non-statutory institutions and mechanisms focus on young people. The findings demonstrate that, although there are some institutions and mechanisms that include both (as young people are implicitly part of the present generation), there are also different and specific mechanisms for including young people.

Table 6.1: Statutory institutions and mechanisms for IEJ in ANZ

Statutory Institutions & Mechanisms		
Institutions	Statutory context	Refers to
Ministry for the Environment (MFE)**	Environment Act 1986, Title	"Future generations"
Parliamentary Commissioner for the Environment (PCE)**	Environment Act 1986, Title	"Future generations"

Department of Conservation (DOC)	Conservation Act 1987, s. 6	“Present and future generations”
Climate Change Commission**	Climate Change Response Act 2002, ss. 5M & 5ZC	“Between generations”
Local government**	Local Government Act 2002, ss. 10 & 14	“Present and future generations”
Public service**	Public Service Act 2020, s. 11	“Long-term public interest”
Mana Mokopuna / Children and Young People’s Commission**	Children & Young People's Commission Act 2022 ss. 4, 5, 20, 21, 22	Children and young people
Mechanisms	Statutory context	Refers to
Legislation and policy**	Refer to Chapter 5	Refer to Chapter 5
National Policy Statements	Resource Management Act 1991, s. 45	To achieve the purpose of the Act (sustainable management)
New Zealand Coastal Policy Statement	Resource Management Act 1991, s. 56	To achieve the purpose of the Act (sustainable management)
National Planning Standards	Resource Management Act 1991, s. 58B	To achieve the purpose of the Act (sustainable management)
Emissions Budgets & Emissions Reduction Plans**	Climate Change Response Act, s. 5ZC	Between generations
National Climate Change Risk Assessment	Climate Change Response Act, s. 5ZP	(1)(a) “assess the risks... from the current and future effects of climate change”
National Adaptation Plan	Climate Change Response Act, s. 5ZS	(4)(b) “distribution of the effects of climate change across society”
Long-term Insights Briefings**	Public Service Act, Schedule 6 Part 8	(2)(a) “Information about medium- and long-term trends, risks, and opportunities”
Regional Policy Statements	Resource Management Act 1991, s. 59	To achieve the purpose of the Act (sustainable management)
Regional Plan and Regional Coastal Plan	Resource Management Act 1991, s. 63	To achieve the purpose of the Act (sustainable management)
Long-term Plans**	Local Government Act 2002, s. 93	(6)(d) “long-term focus for decisions and activities”
District Plans	Resource Management Act 1991, s. 72	To achieve the purpose of the Act (sustainable management)
Future Development Strategies	National Policy Statement on Urban Development 2020	Long-term strategic planning
Assessment of Environmental Effects	Resource Management Act 1991, Schedule 4	Sch. 4 Part 2(1)(f) assessment against the matters in Part 2 (the Purpose of the Act) and Sch. 4 Part 7(1) “any effect on natural and physical resources having ... special value for present or future generations”
Section 32 Reports	Resource Management Act 1991, s. 32	To achieve the purpose of the Act (sustainable management)
Civic Rights**	New Zealand Bill of Rights Act 1990	“Every New Zealand citizen”

Notes:

* Institutions or mechanisms that were only identified in the interviews.

** Institutions or mechanisms that were identified in both the interviews and document analysis

Table 6.2: Non-statutory institutions and mechanisms for IEJ in ANZ

Non-Statutory Institutions & Mechanisms		
Institutions	Example(s)	Relevant to
Ministry for Youth Development**	n/a	Young people
Non-governmental organisations*	The Hive, AraTaiohi, Sir Peter Blake Trust (Blake), Enviroschools, Gen Zero, and School Strike 4 Climate, and organisations involved in futures thinking and future generations advocacy (Respondents 1, 4 & 5).	Young people and future generations
Youth Advisory Groups**	Ministry for Youth Development’s Youth Advisory Group on Youth Voice and MFE’s Youth Advisory Group on the second Emissions Reduction Plan (Respondents 1 & 4).	Young people
Youth Councils**	Environment Canterbury’s Youth Rōpū (Respondent 4).	Young people
Youth Parliament**	n/a	Young people
Mechanisms	Example(s)	Relevant to
Long-term strategies and spatial plans	Waikirikiri Ki Tua Future Selwyn 50-year long-term plan (Selwyn District Council, n.d.) and the Greater Christchurch Spatial Plan 25-year plan (Greater Christchurch Partnership, n.d.).	Young people and future generations
Ministry for Youth Development’s Youth Plan*	n/a	Young people
Mana Taiohi Principles*	n/a	Young people
Child & Youth Well-being Strategy**	n/a	Young people

Notes:

* Institutions or mechanisms that were only identified in the interviews.

** Institutions or mechanisms that were identified in both the interviews and document analysis

Importantly, this research focuses on the Crown side of ANZ’s dual planning framework described by Matunga (2000). However, it is essential to highlight that many interview participants identified iwi and hapū and their tribal organisations as key institutions and Indigenous planning as a key mechanism for IEJ. For example, Respondent 5 described the inclusion of young people in iwi and hapū decision-making as a strength, providing several examples of rangatahi¹² involvement and leadership in decision-making, stating: “At the iwi and hapū level, there’s great decision-making with young people that’s truly intergenerational.” In the context of future generations, several participants referred to te ao Māori ways of thinking about the long-term and iwi and hapū planning practices as a strength, sharing examples of intergenerational discussions, Māori conceptions of time, and whakatauki¹³. Participants highlighted the importance of learning from Indigenous

¹² Māori youth

¹³ proverbs

practices, including mātauranga Māori, and emphasised the need for Māori voice and leadership in IEJ in ANZ.

6.1.1 Differences between young people and future generations

Differences between young people and future generations were explored in the interview conversations. Participants were asked about the relationship between young people and future generations, which highlighted diverging perspectives. Some participants distinguished between young people and future generations. For example, Respondent 5 stated:

“I think people get confused between young people and future generations, so people think they’re the same thing, and when they talk to a young person that counts as a future generation but like, no, young people are already alive, they also have to think about themselves.”

Others identified young people as a future generation because they cannot vote and have less influence on decision-making than adults. However, whether viewed as overlapping or not, differences were also acknowledged including young people being alive now, having present needs, and being able to participate. These discussions emphasised the need for different approaches to include young people compared to future generations.

Some interview participants touched on a key debate in the literature about whether young people can or should represent future generations (see Chapter 2, section 2.1.4). Some responses highlighted young people’s connection to future generations but simultaneously emphasised the importance of young people being able to speak for themselves without burdening them with the responsibility to speak for others. For example, Respondent 5 stated:

“I do think young people think more about the future generations and are more connected to the future generations, but it shouldn’t be those young people’s responsibility to think about future generations, there should be other processes in place as well.”

Others emphasised the differences, and how this prevents young people from representing future generations. For example, Respondent 1 stated: “Only young people know what it's like to be young now ... and so they can't talk for the next generation.”

However, despite recognising the differences, many participants suggested that youth engagement benefits future generations too. This idea was linked to their temporal proximity, as several participants stated that young people are the closest to future generations and will live with the consequences of present decisions for a long time, suggesting young people and future generations will have similar interests. Others emphasised the need to teach young people about

intergenerational obligations. For example, Respondent 1 stated: “Young people ... will be the only ones that will meet and work alongside future generations ... ensuring that they’re having a positive experience will mean that they’ll want to provide a positive experience for future generations.”

The interview discussions also emphasised differences between young people and the present governing generation. For example, regarding climate change, Respondent 4 stated: “You start to see this distinction between generations and start to feel like there’s something inherently different about what people our age are going to face.” This perhaps explains why young people identify with future generations, feeling a sense of isolation from the rest of the present generation. Participants emphasised that the present governing generation needs to recognise, invite, and make space for young people to be involved and as stated by Respondent 5, it shouldn’t be “the young person’s responsibility to have to push for change.”

6.2 Perspectives on the inclusion of young people

The remainder of this chapter is focused on evaluating existing practices including identifying strengths, challenges, and possibilities of existing practices. Based on the differences between young people and future generations highlighted in the first section of this chapter, perspectives on the inclusion of young people are examined separately from perspectives on the integration of future generations. This section focuses on young people.

6.2.1 Strengths

The analysis of the semi-structured interview data revealed several key strengths for the inclusion of young people in ANZ’s environmental policy and planning. Strengths of existing practices include the presence of institutional advocates for youth voice, a mandate to engage with young people in specific policy areas, the presence of formal youth groups at both local and national levels, engagement processes at local levels, and support from outside of government. There are also emerging mechanisms that facilitate best practice youth engagement and cross-agency learning.

One of the key strengths is the presence of institutions that advocate for youth voice. Interview participants identified Mana Mokopuna/Children and Young People’s Commission, the Ministry for Youth Development, and the Intergenerational Change Team within MFE as key institutions that advocate for youth voice. Respondent 1 highlighted the importance of advocacy, stating: “We can’t ensure fairness in the system if youth aren’t at the table ... without advocacy, it doesn’t happen.” In addition to national institutions, participants identified non-governmental organisations and movements. Having these organisations as advocates for youth voice is essential to promote meaningful engagement with youth and ensure that their views are reflected in decisions.

Another strength identified by participants was an explicit mandate to engage with young people in some policy areas. Respondent 1 highlighted the mandate to engage on climate change issues stating: “There’s been multiple recommendations from the UN calling for meaningful participation in climate change mitigation and adaptation so that probably gives us more of a mandate in the climate change space.” They felt there was less mandate in the wider environmental space, but that this shouldn’t be the case as “the UN Convention on the Rights of the Child does talk about wider environmental harm, so we should be looking at the whole spectrum.”

Another strength is the presence of formal youth groups at national and local levels. At the national level, many participants talked about Youth Advisory Groups. The Ministry for Youth Development’s Youth Advisory Group was described by Respondent 4 as “young people telling the government how to improve their processes.” The MFE’s Youth Advisory Group on the Second Emissions Reduction Plan was also discussed. Additionally, many of the participants talked about the strengths of Youth Councils at the local government level. Respondent 4 stated that “Youth Councils have been a thing for a very long time” and “a really well-functioning Youth Council is very effective.” They emphasised the importance of funding and an effective mandate, giving a positive example of Environment Canterbury’s Youth Council, called the Youth Rōpū. These examples of formal youth groups at the national and local levels demonstrate how young people can be directly involved in policy development and decision-making.

Structures outside of the central government were also identified as essential. For example, Respondent 3 described local government as more approachable for young people than central government. Additionally, Respondent 4 shared their opinion that some councils are good at supporting young people to write submissions and undertaking youth consultation on Long-term Plans. However, it was also acknowledged that there is a lot of variability between councils. Support from non-governmental organisations and youth movements outside of government was also highlighted. For example, an organisation called The Hive was identified by several participants for making youth engagement accessible through platforms such as Instagram. Other organisations that upskill young people to be leaders in the environmental space, such as Blake, were also mentioned. Additionally, youth movements, such as School Strike4Climate, were described as a platform for young people to voice their concerns and take action while also generating wider public awareness of youth views.

Emerging practices including best practice guidance on youth engagement and cross-agency learning were also described as strengths. Several participants spoke about the Youth Plan (see Ministry for Youth Development, 2023) and the Mana Taiohi Principles (see Ara Taiohi, n.d.). The Youth Plan was described by Respondent 1 as a cross-government plan led by the Ministry for Youth

Development to upskill government agencies to undertake meaningful youth engagement. They said that the Youth Plan is developed around the Mana Taiohi Principles, an Ara Taiohi framework for engagement with young people. Respondent 1 highlighted several strengths of the Youth Plan and Mana Taiohi Principles including that they have been developed from best practice in ANZ and are “steeped in te ao Māori.” Respondent 4 underscored strengths such as youth involvement in their creation. Respondent 1 also emphasised the strength of regular Youth Plan meetings which facilitate collaboration and learning about youth engagement across government organisations.

6.2.2 Challenges

The analysis of the semi-structured interview data also revealed many challenges for the inclusion of young people. These include the absence of mandates to consult with them across many policy areas and funding and resource constraints. As a result, processes that engage young people are inconsistent, ad hoc, and prone to tokenism. There are also fewer opportunities for young people to participate and many existing practices are not structured for young people to engage. These issues reveal two underlying challenges: the undervaluing of youth voice and a power imbalance between young people and adults.

A key challenge, raised by several participants is the lack of an effective legal mandate to consult with young people. For example, Respondent 5 stated: “Most of the time young people aren’t engaged with at all and aren’t seen as like a specific stakeholder that should be engaged.” Respondent 1 held a similar view stating: “It’s not consistent by any means, you know, lots of policy is just being created without any youth engagement, without any young people around the table.” They highlighted inconsistencies in the policy sphere, such as the mandate for youth engagement on climate issues but not for other environmental policy areas.

Another key challenge is funding and resourcing constraints. This issue includes funding for youth engagement at local and national levels and the issue of paying young people for their time. For example, Respondent 1 highlighted that central government budgeting decisions have a profound effect on youth engagement practices and budget cuts could leave fewer advocates for youth engagement. At the local level, Respondent 4 spoke of inconsistencies in funding for Youth Councils, emphasising that “you get what you pay for.” Additionally, many participants raised the lack of resources available to young people to engage. Respondent 2 stated that young people “often lack the resources to contribute, you know, the sheer material resources required.” This point was emphasised by Respondent 5 who stated: “If you’re engaging with young people, they should be paid just like any expert” and Respondent 4 who stated: “Young people have so many demands on their time ... just giving their thoughts freely really isn’t that viable anymore.”

The previous challenges were seen to contribute to ad hoc and inconsistent practices. Respondent 4 stated: “One of the issues with youth voice at the moment is it’s very ad hoc, like it only exists where people want to do it.” They highlighted inconsistencies between Youth Councils, in which some have an effective mandate and others just throw a few skate parties. They also identified differences between councils, some of which lack a designated youth engagement advisor, which was viewed as an essential advocacy role to facilitate meaningful engagement.

Many current practices were also perceived as tokenistic. Respondents 1 and 3 described a lack of meaningful youth engagement that actually informs decisions and demonstrates to young people how their perspectives have been taken into account. For example, Respondent 4 said: “A lot of the time you have decision-makers nodding along and smiling and going ‘oh, it’s so nice to hear from a young person’ ... but I don’t know how well that actually translates into the decision.” They also highlighted how some youth roles are just a tick box. In this context, participants had mixed views on whether tokenism was a sign of progress. For example, Respondent 5 stated: “Sometimes there’s not even a tick box ... so I guess the tick box and tokenism is somewhere in the right direction.” In contrast, Respondent 4 gave an example of a Youth Council that was never given an effective mandate and was recently shut down, stating: “Not only is it tokenistic, but it then becomes ineffective, and it gets disestablished altogether, which is even worse.”

Participants also pointed out that young people have fewer opportunities to engage than adults, particularly as young people under 18 cannot vote. Respondent 5 stated:

“Young people can’t vote, so they don’t have that way to influence decision-making. So young people have to do it in other ways, but then the ways that young people do engage, like protests or through social media, those sorts of things aren’t tangible things that decision-makers can take hold of.”

While protests and social media are certainly ways to engage, participants discussed the drawbacks of these. For example, Respondent 4 highlighted that social media commentary can become an echo chamber of youth posting to each other that never reaches decision-makers and they also described youth protests as representative of a failure to engage at a more constructive level.

Participants were also critical of engagement methods that aren’t set up for young people to engage. Respondents 3 and 4 described how formal government processes can be intimidating and exclusionary towards young people. Respondent 5 highlighted how decision-makers interpret the absence of feedback from youth as disinterest rather than a failure of processes, stating: “Groups think, ‘oh, young people haven’t come and talked to us, so they’re obviously not interested’ but no, you have to set up your processes to encourage young people to engage.” Additionally, Respondent

3 highlighted how policy is often written in complex language making it hard for young people to understand. In this context, Respondent 4 talked about how young people struggle to provide feedback at the technical level that decision-makers want, stating: “Young people are super passionate about environmental issues, but they don't necessarily feel they have the skills or are equipped to engage with these discussions.” They gave the example of submission writing, in which young people often express their thoughts and feelings rather than targeted feedback or a specific policy change. These examples demonstrate how the current system isn't set up to engage with young people. As described by Respondent 4: “The system doesn't effectively engage young people and so they're having to set up parallel systems to make it more accessible.” Examples of these are set out in Table 6.2 and section 6.2.1, such as Youth Councils and non-governmental organisations. These institutions aim to support young people to engage but they remain prone to the challenges identified previously such as funding constraints and tokenism.

The above challenges reveal two underlying challenges: the undervaluing of youth voice and a power imbalance between young people and adults. Several participants highlighted negative perceptions of young people. For example, Respondent 1 shared how policymakers often perceive youth like: “What do they know? They don't have any experience. They don't know how the system works, like what's the point in engaging with them?” Respondent 4 shared a similar example of a young person making a submission that “gets waved off as just being like ‘oh, that's a cute wee kid's perspective on things, but like, let's actually listen to the people who know what they're talking about.” The previous paragraphs in this section also demonstrate that decisions to engage with young people, as well as what gets taken on board from that engagement, are decisions controlled by adults. This emphasises a power imbalance where youth participation is always on adult terms.

However, participants emphasised the importance of youth voice. For example, Respondent 1 stated: “Their wisdom is crucial to the development of policy 'cause, it's going to affect them the most.” The undervaluing of youth voice was also linked with the voting age issue. For example, Respondent 4 described this as a symbolic issue, stating:

“I think a lot of the time and in these spaces, people dance around the issue of voting age and when young people can start to engage ... I think that inherently needs to be a part of the conversation, what age do we actually see young people as like a valuable member of society and when do we start hearing their voice?”

These perspectives underscore the need for wider recognition of the value of youth voice and a shift in the power dynamics between present generations.

6.2.3 Possibilities

Interviewees spoke of several future possibilities for improving the inclusion of young people in environmental governance. These include lowering the voting age, improving civics education, upskilling young people, and improving youth engagement practices. Participants identified opportunities to work towards these by building on existing strengths, the momentum of existing campaigns and movements, the recent attention to youth voice, and the passion of young people.

Participants highlighted many possibilities for improving the inclusion of young people in environmental policy and planning, some of which included wider democratic changes which would bring improvements across other policy areas as well. In this regard, a key possibility, supported by all of the participants, is lowering the voting age to 16. Respondent 6 stated: “16-year-olds are doing a lot in society, even working and paying taxes, but aren’t able to contribute to the make-up of Parliament even though they’re really keen to.” Lowering the voting age was viewed by Respondent 4 as a “natural next step” that “would make the biggest impact of any institutional change.” There is also an opportunity to improve civics education to support young people to learn about ANZ’s political system and understand how to engage. This was viewed by many participants as an important companion step to lowering the voting age. In addition to civics education, participants highlighted other opportunities for upskilling young people, which would support them to engage and take on roles across various levels of decision-making.

Interview participants also identified possibilities for improving youth engagement practices to address the present challenges. These include creating a legislative mandate to consult with young people as a distinct stakeholder group, actively seeking out their views, utilising engagement methods that suit young people, paying young people for their time, and providing a consistent mandate and funding to formal youth groups. Several participants also emphasised the co-creation of engagement methods through the involvement of young people in the design, facilitation, and interpretation of youth consultation. Participants also underscored the need for advocacy for youth voice within the system through the creation of specific youth engagement advisory roles. They also talked about making space for young people in decision-making at all levels, including youth roles on boards and government entities, with role-sharing options to make these more accessible.

Participants described opportunities to facilitate the above improvements, including building on existing strengths, such as the Youth Plan, Mana Taiohi Principles, cross-agency learning, successful examples of formal youth groups, and learning from iwi and hapū practices. They also highlighted the momentum of existing campaigns and movements, such as youth protests, the ‘youth wave’ election of young Members of Parliament and Councillors, and the recent Make it 16

campaign. Respondent 4 described the growing attention to youth voice, stating: “People are starting to wake up to the fact that young people do care about these things, and they want to have a voice.” Participants also noted the potential of youth passion, described by Respondent 6: “A youthful perspective might help break us out of the lethargy and cynicism we find ourselves in. It’s an opportunity to reflect on systems and drivers, rather than taking it for granted [as] the way it is.”

6.3 Perspectives on the integration of future generations

This section now turns to examine participants’ perspectives on the strengths, challenges, and possibilities for the integration of future generations in ANZ’s environmental policy and planning.

6.3.1 Strengths

The analysis of the semi-structured interview data revealed several strengths of existing practices for the integration of future generations. Strengths included the presence of a mandate to consider future generations in some legislation and the presence of institutions and mechanisms for long-term and environmental planning.

A key strength of existing practices is that future generations are recognised in legislation, with an explicit mandate to take future generations into account (see also Chapter 5). In the interviews, this was highlighted by Respondents 2 and 3. For example, Respondent 2 said: “You will find right through New Zealand legislation, relevant at the national level or subnational level, certain provisions that are relevant to protecting long-term interests, including future generations.” There were, however, questions as to the sufficiency and implementation of legislation.

Another strength is the presence of existing institutions and mechanisms that focus on the environment and long-term planning. For example, Respondent 1 discussed MFE and its environmental stewardship role. MFE’s new purpose statement: “He taiao tōnui mō ngā reanga katoa – a flourishing environment for every generation” (Ministry for the Environment, 2023), acknowledges the mandate from the Title of the Environment Act 1986. This was discussed with several interview participants, but there were mixed perspectives on how much change the purpose statement could facilitate. The role of the PCE was also discussed and Respondent 2 described the PCE as having a “clear mandate to speak on behalf of environmental concerns and that is intimately connected with the interests of future generations.” In addition to these institutions, some participants highlighted the role of the public service to promote the long-term public interest, although acknowledging that this doesn’t refer specifically to future generations. Long-term Insight Briefings were identified as an emerging mechanism for long-term planning that would likely consider future generations but were described by Respondent 6 as “a minor positive step.”

6.3.2 Challenges

There were several challenges identified including insufficient legislation and a lack of measurable criteria to show how future generations have been taken into account, the use of discount rates in cost-benefit analysis, the lack of institutional leadership for future generations, shortcomings of long-term planning approaches, and funding and resource constraints.

Despite identifying the presence of future generations in legislation as a strength, participants described insufficient legislation and a lack of mechanisms that show how future generations are considered as a key challenge. Respondent 3 felt that, with a list of many things to take into account, decision-makers could simply say they'd considered future generations and move on. They also highlighted the lack of a requirement to consider effects on future generations in a regulatory impact statement. Other participants expressed similar concerns, for example, Respondent 4 said "You just have to hope that whoever is writing the policy has the means to think about [future generations]." These perspectives raise an important question: Without mechanisms to demonstrate how future generations are taken into account in decision-making or policy development, how do we know they are and to what extent? This emphasises the lack of process transparency and accountability which was discussed in Chapter 5.

Another challenge identified was the use of discount rates in cost-benefit analysis, a key decision-making tool. The use of discount rates converts costs and benefits in the future to their present value. This challenge was identified by all participants. As stated by Respondent 6, future generations are "actually actively discounted through the discount rates as an economic tool." Interview participants gave numerous examples of how discount rates prioritise the short-term, for example, Respondent 4 stated: "It might work for a time period of 30 years, but once you start pushing out to 50, it basically becomes obsolete." In contrast to insufficient legislation and mechanisms that fail to demonstrate how future generations are taken into account, the use of discount rates actively reduces future generations' interests in present decision-making.

Another key challenge is a lack of institutional leadership for future generations. Despite having several institutions with a focus on environmental issues, climate change, and youth voice, there is no institutional leader for future generations. Respondent 6 highlighted this stating: "I think we've got lacking institutions to deal with it, we have no champion for an intergenerational approach." This is particularly evident when analysing the institutional advocates for youth voice including Mana Mokopuna and the Ministry for Youth Development, and their positive contributions to advancing youth voice through mechanisms like the Youth Plan, Youth Advisory Councils, and

cross-agency learning, as described previously. Regarding future generations, the lack of institutional advocacy and leadership leaves a prominent gap.

Related to the lack of leadership, participants also discussed a lack of consistency and institutional capacity to undertake long-term planning. For example, Respondent 5 pointed out the lack of a consistent foresight approach within institutions, highlighting how other countries are investing in this but ANZ “seems to be going the other way.” Respondent 6 raised a similar concern, stating: “Our current system just isn’t doing future thinking or foresight very well.” For example, they described how Long-term Insight Briefings are “pretty ad hoc and [the Ministries are] all doing it different ways.” This is further impeded by a narrow view of what long-term means. As stressed by Respondent 5, local government Long-term Plans only cover 10 years, which is hardly long-term in the context of a human life, the life of a city, or nature.

Funding and resourcing were also identified as a challenge. For example, Respondent 5 described how anticipatory governance and foresight approaches are some of the first areas to be cut with budget cuts. Respondent 2 gave a specific example of this, highlighting the recent cuts to ANZ’s environmental sector including its research, monitoring, and reporting capacity which will invariably affect ANZ’s ability to understand and predict environmental outcomes.

6.3.3 Possibilities

Key possibilities include legislating international mandates, developing stronger legislation, establishing mechanisms to consider future generations, establishing a Future Generations Commissioner, and changing the discount rates used for decision-making. Several further possibilities were also identified that could improve long-term planning and governance, which support future generations too. Opportunities for such changes include international and national momentum and learning, positive messaging, and wider shifts in public perception.

In the context of legislation, a key possibility identified by participants was incorporating international mandates into national legislation, developing stronger legislation, and establishing mechanisms to show how future generations have been taken into account or will be affected by policy or decisions. Additionally, Respondent 2 highlighted the possibility of amending the NZBORA to include a provision for the right to a healthy environment. This amendment was recently promoted by a group called Lawyers for Climate Action (n.d.) and introduced to Parliament as a member’s bill by James Shaw (2024); it was also recommended previously by the Constitutional Advisory Panel (2013). Respondent 2 also mentioned the possibility of an Environmental Rights Act that “would champion a whole cluster of important environmental values and rights.”

Another key possibility is establishing a Future Generations Commissioner for ANZ. All of the participants highlighted the Welsh Future Generations Commissioner as an example and talked about the possibility of developing a similar role for ANZ. Participants emphasised how such a role could address some of the current challenges by establishing institutional leadership for future generations, providing support and accountability across government departments, and providing consistent guidance on foresight techniques to improve long-term planning practices. Additionally, if developed around a national conversation, as the Welsh model was, this also has the potential to facilitate meaningful conversations about national values and a vision for the future which could counteract political ideology. However, participants also highlighted difficulties around adapting the Welsh model to ANZ. They noted overlaps with the roles of Mana Mokopuna and the PCE, emphasised the importance of tailoring it to the ANZ context by working with iwi and the public, and the need to give it an effective mandate and sufficient authority and resources.

Other possibilities focused on future generations included establishing legal personhood and changing the use of discount rates. Respondent 1 considered the possibility of developing legal personhood for future generations, recognising how ANZ has done this for natural features. Many participants also identified the possibility of changing how discount rates and cost-benefit analysis are used in decision-making. While not specifically focused on future generations, participants also highlighted numerous possibilities to improve governance, decision-making, and long-term planning. These include the possibilities of better foresight and anticipatory governance practices, longer MP terms, commitment devices that price externalities and incentivise governments to protect the environment, participatory approaches such as citizen assemblies and participatory budgeting, and changes to the annual budget to better capture non-renewable and natural resources. Importantly, many participants identified the need for multiple approaches, captured by Respondent 2: “There's no silver bullet, there's no one right answer, an awful lot is going to depend on the particular circumstances of any particular jurisdiction, but we need a battery of approaches that will be mutually reinforcing.”

Regarding opportunities to facilitate the previously mentioned changes, participants described international and national momentum around representation for future generations and foresight approaches. In particular, the Welsh model has garnered significant international attention with the European Union and other countries signalling intentions to follow their example. Participants suggested opportunities to learn from international examples and many reported interest from groups across ANZ in the possibility of establishing a Future Generations Commissioner for ANZ. Participants also highlighted the potential influence of recent international events such as the UN Summit for the Future as an opportunity to spur national-level action.

Several participants also highlighted the positive messaging of future generations as an opportunity. For example, Respondent 6 stated: “I see it as an inspiring optimistic framework that can drive change and crucially it really elevates the issue away from day-to-day politics.” Similarly, Respondent 5 emphasised that individuals can connect to future generations by thinking about their own children and grandchildren. However, simultaneously some also found future generations hard to connect with or felt that future generations messaging could make impacts seem distant and prevent adults from connecting personally with the issue. The question of messaging is itself a whole other emerging topic of research (see Bartolini & Sarracino, 2018; Humphreys, 2022; Marshall et al., 2024; Schramme, 2024; Songhorian, 2024).

Several participants also highlighted increased public awareness of the failure of long-term planning and the dominant economic system to safeguard the environment. For example, Respondent 6 stated: “I do kind of see a consensus that our current system just isn’t doing future thinking or foresight very well.” They also said:

“The values of the current economy are kind of antithetical to what people actually want; they describe it as individualistic and not thinking of the future, but they really do want to think intergenerationally. People have a connection to nature and want to see it enhanced and there are very few opportunities for these ordinary values to be expressed policymaking.”

This increasing recognition from the public presents an opportunity for conversations about what is important and how the current system could be changed. In this context, many participants highlighted the need for wider societal change, including shifts in how future generations are viewed, reconnecting with nature and deep values, embedding future interests in day-to-day decision-making, and embracing holistic economic models that consider the well-being of people and nature.

6.4 Systemic challenges

In discussing the challenges relating to current practices for the inclusion of young people and future generations, interview participants touched on several underlying and systemic challenges that relate to both young people and future generations and are key barriers to achieving IEJ.

One underlying challenge is political ideology. Many participants described conflicts between the political ideology of Ministers and the public service. For example, Respondent 5 stated: “The public service can only do so much when it’s the ministers who are making the decision and setting the direction.” Respondent 1 raised similar concerns stating: “It’s really hard to be a steward for the environment when you have to remain politically neutral and that means we have to please ministers over sharing transparent information.” These comments highlight how political ideology can override evidence-based decision-making. Several participants described the political ideology of

far-right parties as contrary to environmental protection and IEJ. This is evident in present decisions in ANZ, such as the decisions not to amend NZBORA to include environmental rights (Daalder, 2024) and not to lower the voting age to 16 (S. Brown, 2024). Many participants felt that the political ideology of the current government would be a barrier to improving IEJ.

Participants also highlighted a lack of bi-partisan decision-making as an underlying challenge. For example, Respondent 5 stated: “Bipartisan decision-making isn’t really a thing, the parties change all the time, and it’s hard to get legislation that stays throughout.” Similarly, Respondent 3 pointed to the constant back and forth every time the government changes, as evidenced by the current government repealing the RMA Reforms of the previous government (Bishop, 2023). The lack of bi-partisan support could mean that future innovations if established, are not guaranteed to last.

Participants also discussed resistance to change and the slow pace of change. Respondent 5 stated that “the beast of government is hard to change” and “people are scared of trying new things.” Similarly, Respondent 4 talked about how people are protective of democratic institutions and resist changing them, but also how change takes time stating: “Changing policy processes is such a slow-burning flame, that isn’t likely to happen in time for drastic action on climate to be taken.”

Short-termism was identified as a systemic challenge by all participants (see Chapter 2, section 2.2.1). Several participants touched on the influence of pressing needs that shift the focus to the short-term. For example, Respondent 2 described these as “powerful presentist forces ... which means that long-term interests invariably get short-changed by powerful, short-term, urgent considerations, events and so on.” In the context of such pressing issues, Respondent 6 described the perception that “we need to focus on essentials.” Participants highlighted that such perspectives are evident throughout the political system. For example, Respondent 1 stated: “Governments don't have a long-term plan because we have a three-year [political cycle], they're only focusing on what they can do now and putting out policies that are really shallow and all to get votes.” These conversations emphasised the prioritisation of pressing issues and short-term political cycles as further barriers to IEJ.

Interview participants also talked about the power of vested interests in the prioritisation of the short-term. For example, Respondent 3 described the interference of vested interests in the political system and their disproportionate power to influence decision-making. Additionally, all participants brought up the ‘voting asymmetry’: that young people and future generations are unable to vote. In this context, Respondent 3 talked about how power and voice are intricately connected with one’s right to vote. They described how young people do not donate money or vote,

so their interests are not reflected in political decisions. These discussions highlighted vested interests and the voting asymmetry as barriers to improving IEJ.

Another issue in the context of short-termism, raised by participants, was referred to as the “cost-benefit asymmetry” by Respondent 2 and described as:

“Most actions to protect long-term interests require short-term to medium-term investment actions, which are typically politically and economically costly... the costs are immediate and certain and direct and salient and the benefits, if they come, are more uncertain and less direct and less tangible, and, of course, future-focused.”

The use of discounting in cost-benefit analysis, as previously described, is related to this issue. Additionally, Respondent 2 talked about the importance of what gets measured, highlighting accounting tools that measure financial capital but “give much less weight to counting natural capital for all manner of reasons.” Thus, the cost-benefit asymmetry, practice of discounting, and accounting tools that don’t adequately account for nature are also barriers to IEJ.

The dominant economic ideology is another systemic challenge. Respondent 3 described how economic growth is equated with well-being, driving an ideological obsession with growth that supports rhetoric about environmental and human compromises. The prevalence of this short-term economic focus was raised by other participants, with Respondent 2 highlighting this as an “extraordinary failure in our society that we’ve been unable to communicate the critical importance of deep values” such as the intrinsic value of nature and “interdependence of everything.” Respondent 3 held the perspective that meaningful change wouldn’t be possible until we start seeing signs of the collapse of the current economic system, holding the view that, while painful, this could force a paradigm shift.

The possibilities and opportunities described previously in sections 6.2.3 and 6.3.3 address different aspects of these underlying and systemic challenges to IEJ in ANZ. However, to reiterate Respondent 2’s comment: “there’s no silver bullet” and multiple reinforcing approaches are needed.

6.5 Summary of findings

This chapter has explored perspectives on the inclusion of young people and future generations in ANZ’s environmental policy and planning. The first section of this chapter highlighted the key institutions and mechanisms for IEJ as identified from the document analysis and semi-structured interviews. The analysis of these revealed differing institutions and mechanisms for the inclusion of young people and future generations. The second section examined the strengths, challenges, and possibilities of existing practices for the inclusion of young people. Key strengths were the presence

of institutional advocates and emerging best practice, while challenges include the lack of a mandate to engage with young people, tokenism, and underlying challenges relating to the value of youth voice and a power imbalance between generations. There were many possibilities identified such as lowering the voting age and improving youth engagement practices.

The third section examined the strengths, challenges, and possibilities of existing practices for the integration of future generations. Key strengths were the inclusion of future generations in some legislation and the presence of environmental and long-term planning institutions. Key challenges included insufficient legislation, a lack of institutional leadership for future generations, and shortcomings of long-term planning practices. Key possibilities include strengthening legislation, establishing a Future Generations Commissioner for ANZ, and improving long-term planning practices. In the fourth section of this chapter, underlying and systemic challenges relevant to both young people and future generations were identified, including political ideology, a lack of bi-partisan decision-making, resistance to change, short-termism, and the dominant economic system. These challenges are barriers to achieving IEJ, emphasising the need for a multi-faceted approach.

Chapter 7

Discussion

This chapter discusses the key findings from Chapter 5 and Chapter 6 in the context of the literature from Chapter 2. In this chapter, I argue that the current system for environmental policy and planning in ANZ is not sufficient to achieve IEJ. The research reveals an inconsistent and narrow framing of IEJ in ANZ's key environmental legislation and policy and suggests that young people and future generations are not effectively engaged or considered in decision-making.

7.1 Inconsistent and narrow framing of IEJ

Chapter 5 explored the framing of IEJ and future generations in ANZ's key environmental legislation and policy. It demonstrated that the framing of future generations has changed over time, shifting from a needs-based approach in the second phase to a well-being approach in the third phase. It also identified inconsistencies across all phases that touch on different framings and standards of IEJ and inconsistencies with international environmental policy. This section will briefly explore these inconsistencies, followed by a comparison of needs and well-being approaches. It will then touch on what this might mean in the context of core sustainability definitions and highlight a possible connection between shifts in the third phase and progress toward strong sustainability.

7.1.1 Inconsistencies

Beyond revealing three overall phases in terms of framing, Chapter 5 identified inconsistencies in framing and standards for IEJ across all three phases. In addition to being framed in terms of needs and well-being, other framings such as interests, rights, and values are sometimes used, drawing a connection to the discussion of framings from the literature (see Chapter 2, section 2.1.3).

The legislation also touches on different standards of IEJ, which refers to what or how much should be protected for future generations. Some legislation and policy refer to conservation and safeguarding options for future generations, drawing parallels with the standard of planetary rights and obligations pioneered by Brown Weiss (1990). Others refer to passing on benefits to future generations, perhaps suggesting a utopian or aggregative standard (e.g., Dolan et al., 2006; Muraca, 2012), depending on the form of benefits. Still others focus on distributive justice, underpinned by assumptions that benefits are shared across generations or emphasising the trade-offs between generations (e.g., Campos, 2018; Hendlin, 2014). These inconsistencies highlight important but challenging questions about identifying an appropriate standard or benchmark for evaluating IEJ and whether the same standard is needed across legislation with different purposes.

Additionally, despite evidence that international environmental policy has influenced environmental policy and planning in ANZ, there are also inconsistencies with international guidance. This indicates a piecemeal approach in which politicians and policymakers pick and choose individual aspects from international guidance but lack a system-wide focus on the issue of IEJ. This is evident in the RMA in the framing of present well-being and future needs which departs from the approach of framing both in terms of needs in the Brundtland Report (United Nations, 1987). The RMA also excludes non-renewable minerals from sustainable management, which again departs from the recommendations of the Brundtland Report (Knight, 2018; United Nations, 1987). Additionally, ANZ has failed to create legal protections for a right to a healthy environment, despite this being an international recommendation for almost four decades (first signalled in the Brundtland Report with renewed recommendations since). So, while ANZ has been lauded internationally for its early adoption of a sustainable management approach (e.g., Brown Weiss, 2021) in many other aspects it has not been consistent or kept pace with international developments for IEJ.

7.1.2 Framing: Needs or well-being?

The document analysis on ANZ's key environmental legislation and policy reveals a shift in the framing of future generations over time, from needs in the second phase to well-being in the third phase (see Chapter 5, section 5.2). However, neither of these key terms are defined in ANZ's legislation. This raises an important question: Is a needs or well-being approach to future generations more effective? In the context of the literature in Chapter 2, there are evident opportunities and challenges for each, and these debates are ongoing. This section will highlight these debates in the context of the findings on ANZ's key environmental legislation and policy.

The knowability of needs has practicalities for policy development (see Chapter 2, section 2.1.3). For example, Rauschmayer et al. (2010) describe how a matrix of identified needs can be connected with goods, services, and strategies (or policies) to meet certain needs. This logic is evident in some of ANZ's approach, for example, the NPS-HPL identifies a need for highly productive land for food production and sets out strategies to protect highly productive land for future generations. Such an approach was also used in some, but not all, of the case law examined. O'Neill (2010) describes this as identifying the 'bundle of goods' that must be passed on to future generations to meet identified needs. Indeed, ANZ's legislation and national policy have increasingly over time recognised the importance of specific resources for future generations and incorporated provisions to protect or manage these.

However, a needs-based approach also has weaknesses. Namely, it requires a form of paternalism in which the present generation decides which needs of future generations are relevant

(O'Neill, 2010). This is also evident in ANZ's approach. While future needs for resources such as highly productive land and freshwater are included (NPS-HPL, NPS-FM), other resources such as non-renewable minerals are intentionally excluded (RMA, s. 5). Similarly, the RMA includes "economic, social and cultural well-being" of the present generation, but the needs of future generations only concern natural and physical resources, excluding future social equity considerations (Gleeson & Grundy, 1997; Memon, 1993). Some needs may also be excluded unintentionally being either unforeseen or not deemed necessary to protect. However, the identification and protection of basic needs is certainly preferable to the sceptic argument that future generations needs are unknowable and no action on their behalf (see Chapter 2, section 2.1.1). As future generations cannot speak for themselves, some decisions have to be made on their behalf (see Chapter 2, section 2.2.2), and the knowability of needs makes this a useful and practical framing when followed through (Rauschmayer et al., 2010).

Needs are not defined in ANZ's legislation and case law has indicated that "needs need not be defined" (*Canterbury Regional Council v Selwyn District Council*, p. 19). Perhaps the term does not require a definition, but certainly needs must be identified in order to protect them and to assess the potential effects of present decisions. This statement is supported by Hollis (2010) who is critical of the lack of definitions and guidance within the RMA on what needs should be protected and how to achieve this. Additionally, when needs conflict or trade-offs between present and future generations are required, who decides? Decision-makers in the present generation decide, as there is no way to consult with future generations to see what they prefer. However, without process transparency and accountability to future generations, there is potential for intergenerational domination (Ojanen, 2019). These issues will be returned to in section 7.2.3.

The shift to a well-being approach that occurs in the third phase extends beyond ANZ's legislation. As highlighted by O'Mahony (2022), there has been a shift from the articulation of needs to well-being more broadly in sustainable development. However, well-being is a subjective concept with diverse origins (e.g., Dodds, 1997; Jarden & Roache, 2023). This raises the question: What does well-being mean for future generations? We cannot ask them, and we cannot measure their well-being in the future. Even when considering the present, well-being is hard to measure. Additionally, Jarden & Roache (2023, p. 2) describe different interpretations of well-being as problematic because "it leaves the term prone to misuse and misapplication, which may weaken its utility as a concept." The issue is made more challenging by the potential conflict between present well-being and sustainability, as highlighted by Painter-Morland et al. (2017) and O'Mahony (2022). They describe how the pursuit of present well-being, centred on wealth and consumption, actually undermines

sustainable development goals and IEJ. Thus, if well-being is to be effectively operationalised, it requires clear goals and definitions to address its shortcomings (Dolan et al., 2006).

In the context of ANZ's key environmental legislation, well-being is central to the purposes of sustainable management and development. However, well-being is not defined beyond listing different types (economic, social, and cultural), leaving it open to interpretation and misuse, as highlighted by Jarden & Roache (2023), and potentially undermining the core concepts of sustainable management and development. Although not the focus of this research, ANZ's Living Standards Framework and Well-being Budgets sit within the wider context. These could provide some guidance on operationalising the well-being of future generations in ANZ's environmental policy and planning. However, Upton (2022) provides a critique of these tools in the context of the environment and future generations and identifies many issues. Therefore, this research suggests the significance of clarifying the goals, definitions, and metrics of well-being within the purpose of sustainable management and development, to ensure it is functional and not misused.

Importantly, the objective well-being conception, based on the satisfaction of needs, has practical parallels with a needs-based approach (e.g., Dodds, 1997; O'Neill, 2010), as the satisfaction of objective needs would establish the conditions for future generations to pursue well-being, however they define it, in the future. This approach is evident in ANZ's policy. While referring to well-being in legislation and policy in the third phase, there is also increasing identification and protection of specific resources that are deemed to be important to future generations. Thus, demonstrating the continuation of a practical needs-based approach within a well-being approach in ANZ's environmental legislation and policy.

7.1.3 Towards strong sustainability?

It is apparent in the literature that sustainable development and IEJ are inherently connected (e.g., Barry, 1999; Padilla, 2002). This is also evident from the analysis of ANZ's key environmental legislation and policy (see Chapter 5, section 5.1). The previous section has highlighted the tension between the concepts of present well-being and sustainability. However, the document analysis revealed a possible shift towards strong sustainability in the third phase.

Strong sustainability holds that there are strict environmental limits and thresholds, requiring the conservation of natural resources (e.g., Jacobs, 1999; Randall, 2020). This concept is connected with the standard of planetary rights and obligations defined by Brown Weiss (1990). This standard of IEJ is evident in ANZ's legislation where conservation and safeguarding options are discussed. Additionally, a strong sustainability approach is evident in ANZ's needs and objective well-being approach described previously, in which objective needs and the resources required to meet those

needs are identified and protected in legislation and national policy statements. This aligns with Norton's (1999) approach to strong sustainability that involves "listing 'stuff' that should be saved for future generations" (p. 119), including specifying resources to protect along with measurable indicators. Thus, at least in terms of environmental legislation and policy, it seems that ANZ is making patchy progress towards legislating strong sustainability.

However, there remains the issue of effective implementation. It is evident from the worsening state of the environment (e.g., Ministry for the Environment & Stats NZ, 2022), that increasing protections in legislation and policy have not facilitated the necessary change. Given the slow pace of environmental change, is this a case of needing more time to see the results? Is there a gap between legislation and implementation? Or possibly a combination of both? These are important questions but as this research is focused on the policy framework, they extend beyond the scope of this dissertation.

7.2 Different approaches to young people and future generations

This research has highlighted that there are differences between young people and future generations that necessitate different approaches to IEJ for these distinct groups (see Chapter 6, section 6.1.1). This section explores these differences, the participation of young people, and the representation of future generations, in the context of the literature.

7.2.1 The differences between young people and future generations

Chapter 6 began by discussing the institutions and mechanisms for the inclusion or consideration of young people and future generations. It was found that there are different institutions and mechanisms for including young people compared to future generations. This was followed by a discussion of differences between young people and future generations, highlighting the perspectives of the interview participants on whether young people are part of the present or future generation, or both, and touching on the role of young people in representing future generations. The findings are discussed here in the context of the literature.

The findings demonstrated diverging perspectives on whether young people were part of only the present generation or both present and future generations. This aligns with Caney's (2018) two possible definitions of future generations, the first encompassing the unborn and the second encompassing future citizens and therefore including present young people. Some participants' views aligned with the first definition. Other participants' perspectives aligned with the second definition and they held views similar to Paré (2021), that young people are part of the future generation because they don't have decision-making power. However, all participants also

recognised differences such as the ability to participate and having present needs which are also highlighted by Zakaras (2016).

A key debate identified in the literature regarding the relationship between young people and future generations is whether young people can or should act as representatives of future generations. Several participants highlighted this as an unreasonable burden on young people, holding views similar to García-Antúnez et al. (2023, p. 3) that it is unfair to ask youth to not only campaign for their own needs “but also to advocate for those yet to come.” Respondent 1 also highlighted the risk of intergenerational domination, as discussed in the literature by García-Antúnez et al. (2023) and Ojanen (2019). They said: “Only young people know what it’s like to be young now... and so they can’t talk for the next generation.” This aligns with García-Antúnez et al.’s (2023, p. 3) argument that the representation of future generations by present young people “limits the interests of future generations to those raised by current youth and forecloses the possibility of needs and desires yet to be imagined.” Underscoring that young people’s interests cannot be assumed to be the same as future generations. This research thus, reinforces the findings from García-Antúnez et al. (2023) that separate mechanisms are needed to include young people and to take future generations into account in environmental decision-making.

7.2.2 Participation of young people

Chapter 6 also included the key findings from the semi-structured interviews on the strengths, challenges, and possibilities of current practice regarding the inclusion of young people in environmental policy and planning in ANZ. Strengths discussed include the presence of institutional advocates, mandates to engage with young people in particular policy spheres, formal youth groups, local-level engagement practices, support from non-governmental organisations, and emerging best practice guidance. These strengths reflect some of the recommendations from the United Nations Convention on the Rights of the Child (1989) and more recent declarations described in Chapter 3 and are evidence that international recommendations are facilitating improvements to youth engagement practice in environmental policy and planning in ANZ (K. Brown et al., 2020; Freeman & Aitken-Rose, 2005).

However, the transformational capability of these improvements is limited due to the identified challenges. Interview participants emphasised the absence of a mandate to consult with young people as a distinct stakeholder group, issues with funding and resourcing, inconsistent and ad hoc practices, tokenism, negative perceptions of youth, lack of opportunities to engage, and how current practices are not structured to engage with young people. There is considerable alignment between the challenges described by participants and the issues identified in the literature (see

Chapter 2, section 2.3.2). The comparison of the strengths and challenges, reveals some bright and shining examples of best practice in ANZ; however, overall, current practices are not effectively including young people in environmental decision-making. This is particularly evident when considering the underlying challenges identified by the participants, which included the undervaluing of youth voice and a power imbalance between young people and the present governing generation. Again, these challenges were prominent in the literature (see Chapter 2, section 2.3.2), suggesting the significance of these issues.

The interview participants also identified many possibilities for improving current practices including lowering the voting age, civics education, upskilling young people, and helping them into roles across various levels of decision-making. There were also many possibilities for improving engagement practices including a legislative mandate to consult with young people, the use of engagement methods that suit young people, and the creation of youth advisory roles to advocate for youth voice. Again, there are parallels with the literature. For example, Eichhorn & Bergh (2021) found that “enfranchised 16- and 17-year-olds were often more interested in politics, more likely to vote and demonstrated other pro-civic attitudes” (p. 517). They emphasise that “lowering the voting age does not happen in isolation of other political and social processes” (p. 517), such as civics education, as recommended by Ribeiro et al. (2023). Thus, this research suggests lowering the voting age combined with civics education in schools would be beneficial for the involvement of young people across many policy areas. While ANZ’s current government has recently withdrawn the voting age bill (S. Brown, 2024), evidence from Phillips et al. (2024) shows that a majority of surveyed adults in ANZ support young people aged 15-18 years old having more influence in environmental decision-making, which suggests that we could potentially see the voting age bill resurface in the future.

More specific to environmental policy and planning, another possibility from the interview discussions and in the literature is the possibility of establishing a legislative mandate to consult with young people as a distinct stakeholder group. A legal mandate was highlighted as a key enabler by K. Brown et al. (2020) for undertaking consultation with young people on the Child & Youth Wellbeing Strategy. Importantly, a legislative mandate could address some challenges by requiring engagement with young people and funding for engagement. This could counter some of the arbitrary decisions made by adults about when to consult with young people as well as ad hoc practices. However, a legal mandate alone may not be sufficient to ensure engagement methods are tailored to young people. Both the interview discussions and the literature (see Chapter 2, section 2.3.2) touch on the need for a wide range of system improvements. In ANZ, this could be led by the emerging best practice guidance and include establishing youth advocacy roles, promoting representative diversity

of young people, co-developing engagement with young people, and tailoring engagement to young people of different ages, abilities, and backgrounds.

The system improvements discussed so far align with Machin's (2022) rational imaginary of democracy, which recommends the expansion and deepening of democratic practices. However, the interview findings also highlighted the need for deeper societal conversations about the value of youth voice and the re-imagining of power relationships between young people and the present governing generation. These wider societal reforms have parallels with Machin's (2022) radical imaginary and broader societal reforms described by MacKenzie (2016). Importantly, K. Brown et al. (2020) emphasised the need for both, demonstrating that changing attitudes toward youth voice and legislative change were interconnected. This underscores the significance of Respondent 4's question: "What age do we actually see young people as like a valuable member of society and when do we start hearing their voice?" Emphasising the need for these societal conversations to facilitate improvements to young people's participation in environmental policy and planning in ANZ.

7.2.3 Consideration or representation of future generations

Chapter 6 included the key findings from the semi-structured interviews on the strengths, challenges, and possibilities of current practice regarding the consideration of future generations in environmental policy and planning in ANZ. Analysis revealed several strengths, including a mandate to consider future generations in some legislation and the presence of institutions and mechanisms to undertake long-term and environmental planning. These findings are supported by the literature which recognises the PCE as a key institution (e.g., Boston, 2021; Lawrence, 2022) and highlights the inclusion of future generations in legislation such as the RMA and LGA (e.g., Boston, 2016a; Palmer, 2017). However, this research has identified many further institutions and mechanisms that must take future generations into account, specific to environmental policy. It demonstrates that there are a wide range of mechanisms that could be considered tools for IEJ. However, further research is needed to individually assess the effectiveness of these.

Notably, the review of legislation identified the PCE, MFE, and DOC as key institutions for IEJ because they all have a mandate to consider future generations. For the PCE and MFE, this is only set out in the Title of the Environment Act 1986. Regarding the PCE, Hollis (2010) reports similar findings. While this is assumed to be an overarching responsibility, there is no explicit requirement in their functions, highlighting the question: Is it actually functional? In this context, some of the literature demonstrates how such preambular-type mandates tend to be more aspirational than functional (e.g., Boston & Stuart, 2015). Despite this, interview participants identified both the PCE and MFE as key institutions for future generations due to their environmental focus which is perceived as

aligning with the interests of future generations. Such a view, of the PCE in particular, was supported in the literature as well (e.g., Boston, 2021; Lawrence, 2022). However, neither institution acts as a representative for future generations, and both have limitations. The PCE is limited to powers of recommendation and MFE must navigate conflicts between the political ideology of Ministers and the role of the public service.

The document analysis and interviews also highlighted the presence of future generations in some of ANZ's legislation but identified challenges of insufficient legislation and the lack of mechanisms to demonstrate how future generations are taken into account. For example, AEE requires an assessment of effects relevant to future generations but isn't prescriptive about how to go about this, which lacks process transparency. The review of case law illustrated variable levels of assessment, some of which are logically set out and others that only made sweeping statements. These findings align with research by Hollis (2010). These challenges highlight the problems of an approach that only considers future generations, as it is up to present decision-makers to do so, and they may have substantial discretion. As a result, it is not always clear if future generations are taken into account or not, and if they are, it is not apparent to what extent this has influenced decision-making. Such an approach lacks process transparency and accountability to future generations and suggests that current practices are not effectively considering future generations in environmental decision-making. Therefore, this research suggests the need for stronger legislation and measurable criteria to demonstrate how future generations have been taken into account in environmental decision-making.

The semi-structured interviews also touched on the use of discount rates as a challenge, which was also raised in the ANZ literature (e.g., Boston, 2016b; Palmer, 2017). Other challenges discussed in both included the shortcomings of long-term planning approaches and the lack of strategic foresight practices (e.g., Boston, 2016a; Menzies, 2018). However, a challenge not covered in the literature is the lack of institutional leadership for future generations. This emerged as a key theme from the interviews as many of the participants spoke about the Welsh model and the possibility of establishing a Future Generations Commissioner role for ANZ. Perhaps this was not included in the literature because the PCE is already viewed as somewhat fulfilling this role (e.g., Boston, 2021; Lawrence, 2022) or because the Welsh model is a fairly recent development. Either way, it indicates a shift in thinking from how to consider future generations in decision-making to how to represent them. The need for representation further emphasises the finding that current practices are not effectively considering future generations.

Crucially, a Future Generations Commissioner could act as a voice for future generations in ANZ. Interview participants suggested that such a role could address some present challenges by

establishing institutional leadership for future generations, providing support and accountability across other government departments to take future generations into account, and providing consistent guidance to improve long-term planning practices. The literature expands on this, highlighting responsibilities such as reviewing proposed laws, preparing posterity impact statements, undertaking investigations and reporting, and monitoring compliance with international obligations (e.g., Jones et al., 2018; MacKenzie, 2016). Thus, this research suggests the development of a Future Generations Commissioner for ANZ to provide representation of future generations and increase accountability of government decisions affecting the future.

However, such a role must be designed with the present institutional framework in mind. Interview participants noted potential overlaps with the role of Mana Mokopuna and the PCE, and the role and associated legislation must be developed with Māori to ensure it gives effect to Te Tiriti. Participants also emphasise the involvement of the general public in the development of legislation, similar to the national conversation that led to the development of the Welsh model. Additionally, they suggested the importance of giving a commissioner an effective mandate and sufficient resources. The latter is particularly vital, given that Jones et al. (2018) describe the degree of power and responsibility as one of the key factors determining the success of these institutions. Another key success factor is cross-party political support (Jones et al., 2018), which must be facilitated through wider public support. Other factors include separation from government, transparency, and being multi-disciplinary (Jones et al., 2018).

As with young people, interview findings on future generations touched on themes that aligned with Machin's (2022) rational imaginary, including the possibilities of legislative improvements and representation for future generations, as just described. However, they also stressed the need for wide societal change including shifts in how future generations are viewed, re-connecting with nature and deep values, embedding future interests in day-to-day decision-making, and embracing holistic economic models that consider the well-being of people and nature. Such shifts align with Machin's (2022) radical imaginary. In the context of literature such as Jones et al. (2018), which reveals the trade-offs between politically feasible and effective institutions for representing future generations, it is likely that radical underlying shifts are needed to enable institutions and mechanisms with sufficient mandate and resources to facilitate the type of urgent change required.

Chapter 8

Conclusion

This chapter brings together the findings to address the research questions, identifies research gaps and areas for further research, and ends with recommendations for improving IEJ in ANZ's environmental policy and planning.

8.1 Returning to the research questions

The overarching question for this research was: *How are young people and future generations taken into account in environmental policy and planning in ANZ?* This question was addressed through document analysis of approximately four decades of key environmental legislation and policy and in-depth interviews with six key informants. The research demonstrates that young people and future generations are taken into account to a degree, but that the current system for environmental policy and planning in ANZ is not sufficient to achieve IEJ. The research reveals an inconsistent and narrow framing of IEJ in ANZ's key environmental legislation and policy and suggests that young people and future generations are not effectively engaged or considered in decision-making.

This overarching question was addressed through three sub-questions. The first sub-question was: *How are young people and future generations discussed within key environmental legislation and policy?* The document analysis showed that young people and future generations were sparsely and inconsistently discussed in key environmental legislation. Regarding young people, the analysis showed that only two of the 40 statutes reviewed had relevant and explicit references to young people, although they are implicitly included in references to the present generation (see Chapter 5, section 5.1). The absences are significant, as the document analysis demonstrates that young people are particularly overlooked in legislation. This finding was reinforced by the semi-structured interview conversations which highlighted that young people are not identified as a distinct stakeholder group to engage with in ANZ's environmental policy and planning except within particular policy spheres such as climate change. In the context of the literature, K. Brown et al. (2020) emphasised the importance of a legislative mandate to engage with young people.

The document analysis demonstrated that future generations are included in one-third of the legislation reviewed and in most national policy statements (see Chapter 5, section 5.1). The research also identified three phases in the framing of future generations over time, whose evolution aligns with broader national and international discourse on IEJ, including the shift from a needs framing in the second phase to a well-being framing in the third phase. However, there are also inherent

inconsistencies in framing, different standards of IEJ, and evidence that ANZ's legislation and policy have not been consistent or kept pace with international developments for IEJ (see Chapter 7, section 7.1.1). Simultaneously, the framing of needs and well-being provides both opportunities and challenges which are evident in ANZ's approach (see Chapter 7, section 7.1.2). A needs and objective well-being approach aligns with the theory of planetary rights and obligations (Brown Weiss, 1990), and ANZ's increasing protection of specific resources deemed important to meet the needs of future generations indicates patchy progress towards strong sustainability (e.g., Dodds, 1997; O'Neill, 2010). However, needs and well-being have been left undefined and without guidance, which makes operationalising the legislation challenging (e.g., Dolan et al., 2006; Hollis, 2010) and potentially undermines core concepts of sustainable management and development (e.g., Jarden & Roache, 2023; Painter-Morland et al., 2017).

The second research question was: *What existing and emerging institutions and mechanisms are there across central and local government for the inclusion and representation of young people and future generations in environmental decision-making?* The document analysis and semi-structured interviews identified many existing and emerging institutions and mechanisms, both statutory and non-statutory, for IEJ in ANZ (see Chapter 6, section 6.1). The analysis highlighted that there are different institutions and mechanisms for including young people compared with future generations. Future generations are included through many statutory institutions and mechanisms, such as the PCE, MFE, and planning and policy mechanisms under legislation that have sustainable management in their purpose. In contrast, young people tend to be implicitly included through institutions and mechanisms that refer to present generations, but many of the institutions and mechanisms that explicitly focus on young people are non-statutory, such as youth councils, youth advisory groups, and non-governmental organisations. This aligns with the findings from the semi-structured interviews which suggest that young people are not effectively included in the system so parallel non-statutory processes and tools have been created.

Importantly, the research recognises the differences between future generations and young people and reinforces the findings of García-Antúnez et al. (2023) that separate mechanisms are needed to include young people and future generations. Additionally, it builds on existing ANZ literature (e.g., Boston, 2016a; Palmer, 2017) and identifies a number of further institutions and mechanisms specific to environmental policy and planning, revealing a wide range of mechanisms that could be considered tools for IEJ.

The third research question was: *What are the strengths, challenges, and possibilities of existing practices?* Chapter 6 explored this question in two parts, examining these questions separately for young people and future generations due to their identified differences. For young

people, key strengths include institutions that advocate for youth voice, mandates to engage in specific policy areas, formal youth groups, local-level engagement practices, organisations outside government, and emerging best practice guidance. Key challenges include the lack of a mandate to engage with young people, ad hoc practices, tokenism, and how the system isn't set up to engage with young people. These challenges demonstrate that young people are not effectively engaged and there was strong alignment with the issues identified in the literature (see Chapter 2, section 2.3.2). In the context of the literature, key possibilities identified by participants include lowering the voting age and establishing a legislative mandate to engage with young people (e.g., K. Brown et al., 2020; Eichhorn & Bergh, 2021). Participants also suggested the need for improvements to youth engagement practices (e.g., Arnot et al., 2024; Freeman & Aitken-Rose, 2005). Possibilities touched on both rational and radical changes (e.g., Machin, 2022; MacKenzie, 2016), underscoring the importance of deeper societal conversations about the value of youth voice and re-imagining the power relationship between young people and the present governing generation.

For future generations, key strengths include the existing legislative mandate to consider future generations and the presence of institutions and mechanisms for environmental and long-term planning. Challenges include insufficient legislation and lack of measurable criteria, use of discount rates, the absence of institutional leadership, and shortcomings of long-term planning. The challenges again demonstrate that future generations are not effectively considered. These reveal the shortcomings of an approach that only requires decision-makers to consider future generations, including a lack of transparency and accountability and the risk of intergenerational domination (e.g., Hollis, 2010; Ojanen, 2019). Key possibilities include strengthening legislation and developing criteria to demonstrate how future generations have been considered, establishing a Future Generations Commissioner for ANZ, and improving long-term planning and governance practices. A Future Generations Commissioner role was widely discussed, and participants emphasised the need to adapt such a role to ANZ's context and ensure it is given an effective mandate and sufficient resources. These are matters that Jones et al. (2018) also highlighted, as well as cross-party political support, independence, transparency, and a multi-disciplinary focus. The participants again emphasised the need for rational and radical change (e.g., Machin, 2022; MacKenzie, 2016) to embed futures thinking and facilitate effective and enduring change.

8.2 Areas for further research

This research is a stocktake of what is and an initial scoping of what could be, while recognising that there is considerable scope for further work. Several of these possibilities have been signalled already. Most notably, as this research was focused on the Crown side of Matunga's (2000) dual planning framework, an important area for further work is the exploration of IEJ on the Māori

planning side of the dual planning framework, and the implications and lessons for ANZ's policy and planning system as a whole. It underscores the significance of scholars such as Hirini Matunga, Christine Winter, Krushil Watene, Meg Parsons, Karen Fisher, Roa Petra Crease, and Michelle Pawson who have or are undertaking work in this space.

This research has sought to identify the institutions and mechanisms for IEJ. However, there is scope to undertake a more in-depth look at particular institutions. A review of the PCE would be particularly interesting as it is mentioned in much of the literature and compared with international bodies that represent future generations, despite having an environmental focus. Further research could include a review of PCE reports to see how future generations are taken into account. It would also be beneficial to take a more in-depth look at particular mechanisms. Long-term insights briefings were identified by many participants as an emerging mechanism but described as lacking consistency, indicating further scope for researching this mechanism. AEEs are a key planning tool with explicit requirements to include effects on future generations. Further research could include a review of AEEs and interviews with planners to evaluate how this mechanism is used as a tool for IEJ. Additionally, as this research has focused on national-level environmental legislation and policy, a review of regional policy statements and plans and district plans, as well as discussions with councils, would be a relevant area for further research to look at how local government planning mechanisms include young people and future generations. Similarly, another mechanism to study would be long-term spatial plans and strategies, as these are prepared at the local government level but are non-statutory (unless they are also classed as a Future Development Strategy).

This research has included a review of some relevant case law to understand the court's interpretation of the phrase "reasonably foreseeable needs of future generations" (RMA, s. 5). However, there is significant scope for a more in-depth review of case law on IEJ. Additionally, as this research was limited to the time and scope of a dissertation, there is further scope for a more in-depth look at the strengths, challenges, and possibilities presented in this research through further interviews or surveys with a wider and more diverse audience such as young people, planning practitioners, policymakers, politicians in government and opposition, and other backgrounds that were not captured in this research. This research has also highlighted that the study of IEJ framings in policy, particularly the framing of well-being for future generations, is an understudied area. Thus, there is potential for further research on the effectiveness of this framing in other contexts including in ANZ's Living Standards Framework and Well-being Budgets.

Other areas for further work that have been identified from this research include representative claims and future generations messaging. Research could look at representative claims within ANZ, including claims to represent or make decisions on behalf of future generations in

Parliamentary debates through Hansard records as well as wider claims in the ANZ context, for example, from climate activist groups or others. Regarding, future generations messaging, this was signalled in the interviews as both positive and negative, thus this would be an interesting area for further research to explore the potential effectiveness of future generations messaging on public perception of climate change and environmental issues in ANZ.

8.3 Recommendations and conclusion

This research finds that the current system for environmental policy and planning is not sufficient for achieving IEJ. There are many possibilities for the future and opportunities are on the horizon. For young people, some key institutional advocates are working towards improving practices. For future generations, it is evident that legislation has been evolving and increasingly including explicit protections for future generations. International momentum around youth engagement and future generations coming out of the recent Summit for the Future and the Pact for the Future (2024) may also spur further action nationally and internationally. However, there are also many challenges.

This research suggests the importance of clarifying goals and definitions around core IEJ and sustainable management concepts in legislation. This includes identifying a consistent standard for IEJ and framing in terms of needs or well-being, with clear definitions, goals, and indicators to ensure that these are functional rather than just aspirational. It also suggests establishing institutional leadership for future generations, such as a Future Generations Commissioner, and strengthening legislation and mechanisms to demonstrate how future generations have been taken into account in decision-making. Importantly, a Future Generations Commissioner role will provide much-needed consistency and accountability across governmental departments and decision-making. However, as highlighted by the interview participants, it is essential to ensure the role is developed around Te Tiriti, with iwi and hapū and the wider public, with consideration of ANZ's existing institutional context, through bi-partisan collaboration to ensure its longevity, and is given a sufficient mandate and resourcing. Finally, this research also suggests establishing a clear and consistent legislative mandate to undertake consultation and engagement with young people as a distinct stakeholder group, as well as wider system improvements to ensure meaningful engagement with young people in environmental decision-making. Additionally, this research also recognises the need for wider societal shifts to facilitate meaningful and enduring change.

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Appendix A

Human Ethics Committee approval letter



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HUMAN ETHICS COMMITTEE

Application: HEC2024-16

23rd May 2024

Title: Young people and future generations in Aotearoa New Zealand environmental policy and planning.

Applicant: Angie Nelson

The Lincoln University Human Ethics Committee has reviewed the above noted application.

Thank you for your response to the questions which were forwarded to you on the Committee's behalf.

I am satisfied on the Committee's behalf that the issues of concern have been satisfactorily addressed. I am pleased to give final approval to your project with the following comments:

Thank you for explaining your reasons for using MS Teams video and audio. We consider that the interview data in this project is not sufficiently sensitive to require 'audio only'. However, if you conduct other research in future, there are other options you could explore. Even though Microsoft Teams has no "audio only" recording option, this could still be achieved by, for example:

- Using separate audio recording software (or hardware) to record only the audio from an interview conducted over Teams.
- All call participants (i.e. interviewer and interviewee) turning off cameras in Teams (though that would mean the live interview was also audio-only, which could be a disadvantage).

These options are worth bearing in mind for any future research.

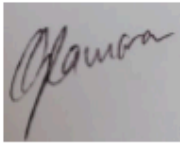
Please note that this approval is valid for three years from today's date at which time you will need to reapply for approval.

Once your field work has finished can you please advise the Human Ethics Secretary at ethics@lincoln.ac.nz, to advise completion and confirm that you have complied with the terms of the ethical approval.

May I, on behalf of the Committee, wish you success in your research.



Regards

A square image containing a handwritten signature in black ink. The signature appears to be 'Cameron' written in a cursive style.

Caitriona Cameron, Deputy Chair
Human Ethics Committee

PLEASE NOTE: The Human Ethics Committee has an audit process in place for applications. Please see 7.3 of the Human Ethics Committee Operating Procedures (ACHE) in the Lincoln University Policies and Procedures Manual for more information.



Appendix B

Consent form

Lincoln University



Consent Form

Young People and Future Generations in Aotearoa New Zealand Environmental Policy and Planning

1. I have read and understood the description of the project above.
2. I have been given sufficient time to consider whether or not to participate in the project and to ask questions.
3. I have been given a copy of this Research Information and Consent Form to keep.
4. I understand that I may withdraw from the project, including withdrawal of any information I have provided, up to 1 August, 2024.

Participation:

I consent to participate in the project.

Publication:

I consent to publication of the results (which may include my anonymised information).

Recording (please select one option):

I consent to having an audio-visual recording made of my interview.

OR:

I do not consent to having an audio-visual recording made of my interview, but I agree to notes being made.

Name: _____

Signature: _____

Date: _____

Please sign and return a pdf or scanned copy of this form to angie.nelson@lincolnuni.ac.nz prior to being interviewed and retain a copy for your own records.

Appendix C

Semi-structured interview questions

Part 1 – Intergenerational justice concepts:

- In the Aotearoa New Zealand environmental context, what aspects do you believe are important for ensuring intergenerational justice, or fairness between different generations?
- What are the current barriers to intergenerational environmental justice?
- How are young people included in environmental policy and planning?
- How are future generations represented in environmental policy and planning?
- Who has the authority to speak for young people and future generations?

Part 2 – Evaluating the current framework:

- What are some examples of democratic institutions or mechanisms that facilitate the inclusion or representation of young people and future generations in Aotearoa New Zealand?
- What are the strengths of these?
- What are their weaknesses?
- How effective are they at providing young people with a voice?
- How effective are they at providing future generations with representation in decision-making?
- Are they tailored more toward young people or future generations?
- How could these current practices be improved?

Part 3 – Forward thinking:

- Are there any specific democratic innovations that should be considered to improve intergenerational environmental justice in Aotearoa New Zealand?
- What are some of the key possibilities or opportunities to implementing these?
- What are some of the key challenges or barriers to implementing these?
- How are these suited to the Aotearoa New Zealand context?

Concluding questions:

- Do you have any final comments or anything further to add?
- Is there anyone else you think I should talk to?

Appendix D

Document analysis tables

This appendix includes the data collected from the document analysis including key sections of legislation (see Table D.1) and national policy statements (see Table D.2) that explicitly refer to future generations or young people, with emphasis added in italics.

Table D.1: Sections of key environmental legislation

<p>Environment Act 1986</p>	<p>Title An Act to—</p> <ul style="list-style-type: none"> (a) provide for the establishment of the office of Parliamentary Commissioner for the Environment: (b) provide for the establishment of the Ministry for the Environment: (c) ensure that, in the management of natural and physical resources, full and balanced account is taken of— <ul style="list-style-type: none"> (i) the intrinsic values of ecosystems; and (ii) all values which are placed by individuals and groups on the quality of the environment; and (iii) the principles of the Treaty of Waitangi; and (iv) the sustainability of natural and physical resources; and (v) <i>the needs of future generations</i>
<p>Conservation Act 1987</p>	<p>2 Interpretation conservation means the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and <i>safeguarding the options of future generations</i>.</p> <p>6 Functions of Department The functions of the Department are to administer this Act and the enactments specified in Schedule 1, and, subject to this Act and those enactments and to the directions (if any) of the Minister,—</p> <ul style="list-style-type: none"> (a) to manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act, and all other land and natural and historic resources whose owner agrees with the Minister that they should be managed by the Department: (ab) to preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats: (b) to advocate the conservation of natural and historic resources generally: (c) to <i>promote the benefits to present and future generations</i> of— <ul style="list-style-type: none"> (i) the conservation of natural and historic resources generally and the natural and historic resources of New Zealand in particular; and (ii) the conservation of the natural and historic resources of New Zealand’s sub-antarctic islands and, consistently with all relevant international agreements, of the Ross Dependency and Antarctica generally; and (iii) international co-operation on matters relating to conservation: (d) to prepare, provide, disseminate, promote, and publicise educational and promotional material relating to conservation: (e) to the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of

	<p>natural and historic resources for recreation, and to allow their use for tourism:</p> <p>(f) to advise the Minister on matters relating to any of those functions or to conservation generally:</p> <p>(g) every other function conferred on it by any other enactment.</p> <p>Section 6(ab): inserted, on 10 April 1990, by section 4 of the Conservation Law Reform Act 1990 (1990 No 31).</p>
<p>Resource Management Act 1991</p>	<p>5 Purpose</p> <p>(3) The purpose of this Act is to promote the sustainable management of natural and physical resources.</p> <p>(4) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—</p> <p>(a) sustaining the potential of natural and physical resources (excluding minerals) <i>to meet the reasonably foreseeable needs of future generations</i>; and</p> <p>(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and</p> <p>(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.</p> <p>Schedule 4 Information required in application for resource consent</p> <p>7 Matters that must be addressed by assessment of environmental effects</p> <p>(1) An assessment of the activity's effects on the environment must address the following matters:</p> <p>(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:</p> <p>(b) any physical effect on the locality, including any landscape and visual effects:</p> <p>(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:</p> <p>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for <i>present or future generations</i>:</p> <p>(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:</p> <p>(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.</p> <p>(2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.</p> <p>Schedule 4 clause 7: inserted, on 3 March 2015, by section 125 of the Resource Management Amendment Act 2013 (2013 No 63).</p> <p>Schedule 4 clause 7(1)(f): amended, on 19 April 2017, by section 121(b) of the Resource Legislation Amendment Act 2017 (2017 No 15).</p>
<p>Fisheries Act 1996</p>	<p>8 Purpose</p> <p>(1) The purpose of this Act is to provide for the utilisation of fisheries resources while ensuring sustainability.</p> <p>(2) In this Act,—</p> <p>ensuring sustainability means—</p> <p>(a) maintaining the potential of fisheries resources <i>to meet the</i></p>

	<p><i>reasonably foreseeable needs of future generations; and</i></p> <p>(b) avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment</p> <p>(c) utilisation means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural well-being.</p>
<p>Hazardous Substances and New Organisms Act 1996</p>	<p>5 Principles relevant to purpose of Act All persons exercising functions, powers, and duties under this Act shall, to achieve the purpose of this Act, recognise and provide for the following principles:</p> <p>(a) the safeguarding of the life-supporting capacity of air, water, soil, and ecosystems:</p> <p>(b) the maintenance and enhancement of the capacity of people and communities to provide for their own economic, social, and cultural well-being and <i>for the reasonably foreseeable needs of future generations.</i></p> <hr/> <p>Schedule 1AA Stockholm Convention on Persistent Organic Pollutants</p> <p>Schedule 1AA: inserted, on 23 December 2004, by section 18 of the Hazardous Substances and New Organisms (Stockholm Convention) Amendment Act 2003 (2003 No 37).</p> <p>The Parties to this Convention, ... <u>Recognizing</u> that persistent organic pollutants possess toxic properties, resist degradation, bioaccumulate and are transported, through air, water and migratory species, across international boundaries and deposited far from their place of release, where they accumulate in terrestrial and aquatic ecosystems, <u>Aware of</u> the health concerns, especially in developing countries, resulting from local exposure to persistent organic pollutants, in particular impacts upon women and, through them, upon <i>future generations</i>, ... </p>
<p>Crown Pastoral Land Act 1998</p>	<p>1A Purpose The purpose of this Act is to provide for the administration of pastoral land in a way that seeks to achieve the following outcomes:</p> <p>(a) maintaining or enhancing inherent values across the Crown pastoral estate for present and <i>future generations</i>, while providing for ongoing pastoral farming of pastoral land:</p> <p>(b) supporting the Crown in its relationships with Māori under te Tiriti o Waitangi/the Treaty of Waitangi:</p> <p>(c) enabling the Crown to get a fair return on its ownership interest in pastoral land.</p> <p>Section 1A: inserted, on 17 November 2022, by section 5 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).</p> <hr/> <p>4 Outcomes for decision makers</p> <p>(1) All persons performing or exercising the Crown’s functions, duties, or powers in relation to pastoral land under this Act or the Land Act 1948 must seek to achieve the following:</p> <p>(a) maintaining or enhancing inherent values across the Crown pastoral estate for present and <i>future generations</i>, while providing for ongoing pastoral farming of pastoral land; and</p> <p>(b) supporting the Crown in its relationships with Māori under te Tiriti o Waitangi/the Treaty of Waitangi; and</p> <p>(c) enabling the Crown to get a fair return on its ownership interest in</p>

	<p style="text-align: center;">pastoral land.</p> <p>(2) Subsection (1)(c) applies only to functions, duties, or powers that relate to rents, easements, or commercial recreation permits in respect of pastoral land.</p> <p>Section 4: replaced, on 17 November 2022, by section 8 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).</p>
<p>Energy Efficiency and Conservation Act 2000</p>	<p>6 Sustainability principles</p> <p>In achieving the purpose of this Act, all persons exercising responsibilities, powers, or functions under it must take into account—</p> <ul style="list-style-type: none"> (a) the health and safety of people and communities, and their social, economic, and cultural well-being; and (b) the need to maintain and enhance the quality of the environment; and (c) the <i>reasonably foreseeable needs of future generations</i>; and (d) the principles of the Treaty of Waitangi.
<p>Climate Change Response Act 2002</p>	<p>5M Matters Commission must consider</p> <p>In performing its functions and duties and exercising its powers under this Act, the Commission must consider, where relevant,—</p> <ul style="list-style-type: none"> (a) current available scientific knowledge; and (b) existing technology and anticipated technological developments, including the costs and benefits of early adoption of these in New Zealand; and (c) the likely economic effects; and (d) social, cultural, environmental, and ecological circumstances, including differences between sectors and regions; and (e) the <i>distribution of benefits, costs, and risks between generations</i>; and (f) the Crown-Māori relationship, te ao Māori (as defined in section 5H(2)), and specific effects on iwi and Māori; and (g) responses to climate change taken or planned by parties to the Paris Agreement or to the Convention. <p>Section 5M: inserted, on 14 November 2019, by section 8 of the Climate Change Response (Zero Carbon) Amendment Act 2019 (2019 No 61).</p> <hr/> <p>5ZC Matters relevant to advising on, and setting, emissions budgets</p> <ul style="list-style-type: none"> (1) This section applies to— <ul style="list-style-type: none"> (a) the Commission, when it is preparing advice for the Minister under section 5ZA; (b) the Minister, when the Minister is determining an emissions budget. (2) The Commission and the Minister must— <ul style="list-style-type: none"> (a) have particular regard to how the emissions budget and 2050 target may realistically be met, including consideration of— <ul style="list-style-type: none"> (i) the key opportunities for emissions reductions and removals in New Zealand; and (ii) the principal risks and uncertainties associated with emissions reductions and removals; and (b) have regard to the following matters: <ul style="list-style-type: none"> (i) the emission and removal of greenhouse gases projected for the emissions budget period; (ii) a broad range of domestic and international scientific advice; (iii) existing technology and anticipated technological developments, including the costs and benefits of early adoption of these in New Zealand; (iv) the need for emissions budgets that are ambitious but likely to be technically and economically achievable; (v) the results of public consultation on an emissions budget:

- (vi) the likely impact of actions taken to achieve an emissions budget and the 2050 target, including on the ability to adapt to climate change:
- (vii) the distribution of those impacts across the regions and communities of New Zealand, and *from generation to generation*:
- (viii) economic circumstances and the likely impact of the Minister's decision on taxation, public spending, and public borrowing:
- (ix) the implications, or potential implications, of land-use change for communities:
- (x) responses to climate change taken or planned by parties to the Paris Agreement or to the Convention:
- (xi) New Zealand's relevant obligations under international agreements.

Section 5ZC: inserted, on 14 November 2019, by section 8 of the Climate Change Response (Zero Carbon) Amendment Act 2019 (2019 No 61).

Schedule 1
United Nations Framework Convention on Climate Change

The Parties to this Convention,
Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind,
Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,
 ...
Recalling the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development, and resolutions 43/53 of 6 December 1988, 44/207 of 22 December 1989, 45/212 of 21 December 1990 and 46/169 of 19 December 1991 on protection of global climate *for present and future generations* of mankind,
 ...
Determined to protect the climate system *for present and future generations,*
Have agreed as follows:
 ...

Article 3
Principles
 In their actions to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:
 1. The Parties should protect the climate system *for the benefit of present and future generations* of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.
 ...

Schedule 2A
Paris Agreement

Schedule 2A: inserted, on 23 June 2020, by section 199 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

	<p>The Parties to this Agreement,</p> <p>...</p> <p><u>Acknowledging</u> that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, <i>children</i>, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and <i>intergenerational equity</i>,</p>
<p>Local Government Act 2002</p> <p>Note: There is only one explicit reference to “future generations” but other references to the “future” which are included here.</p>	<p>5 Interpretation</p> <p>community outcomes means the outcomes that a local authority aims to achieve in order to promote the social, economic, environmental, and cultural well-being of its district or region <i>in the present and for the future</i>.</p> <p>significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—</p> <ul style="list-style-type: none"> (a) the <i>current and future</i> social, economic, environmental, or cultural well-being of the district or region; (b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter; (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so <p>strategic asset, in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority’s capacity to achieve or promote any outcome that the local authority determines to be important to the <i>current or future well-being of the community</i>; and includes—</p> <ul style="list-style-type: none"> (a) any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and (b) any land or building owned by the local authority and required to maintain the local authority’s capacity to provide affordable housing as part of its social policy; and (c) any equity securities held by the local authority in— <ul style="list-style-type: none"> (i) a port company within the meaning of the Port Companies Act 1988; (ii) an airport company within the meaning of the Airport Authorities Act 1966 <p>10 Purpose of local government</p> <ul style="list-style-type: none"> (1) The purpose of local government is— <ul style="list-style-type: none"> (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural <i>well-being of communities in the present and for the future</i>. (2) [Repealed] <p>Section 10(1)(b): replaced, on 14 May 2019, by section 6(1) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).</p> <p>Section 10(2): repealed, on 14 May 2019, by section 6(2) of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).</p>
	<p>14 Principles relating to local authorities</p> <ul style="list-style-type: none"> (1) In performing its role, a local authority must act in accordance with the following principles:

- (a) a local authority should—
 - (i) conduct its business in an open, transparent, and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner:
 - (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
 - (c) when making a decision, a local authority should take account of—
 - (i) the diversity of the community, and the community’s interests, within its district or region; and
 - (ii) the *interests of future as well as current communities*; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):
 - (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes:
 - (e) a local authority should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes; and
 - (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
 - (fa) a local authority should periodically—
 - (i) assess the expected returns to the authority from investing in, or undertaking, a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
 - (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and
 - (h) in taking a sustainable development approach, a local authority should take into account—
 - (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) *the reasonably foreseeable needs of future generations*.
- (2) If any of these principles conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).

Section 14(1)(c)(iii): replaced, on 5 December 2012, by section 8(1) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 14(1)(e): replaced, on 8 August 2014, by section 8(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 14(1)(fa): inserted, on 27 November 2010, by section 6 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 14(1)(g): replaced, on 8 August 2014, by section 8(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 14(1)(h)(i): amended, on 5 December 2012, by section 8(2) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 14(2): amended, on 5 December 2012, by section 8(3) of the Local

	<p>Government Act 2002 Amendment Act 2012 (2012 No 93).</p> <p>101 Financial management</p> <p>(1) A local authority must manage its revenues, expenses, assets, liabilities, investments, and general financial dealings prudently and in a manner that promotes the <i>current and future interests of the community</i>.</p> <p>(2) A local authority must make adequate and effective provision in its long-term plan and in its annual plan (where applicable) to meet the expenditure needs of the local authority identified in that long-term plan and annual plan.</p> <p>(3) The funding needs of the local authority must be met from those sources that the local authority determines to be appropriate, following consideration of,—</p> <p>(a) in relation to each activity to be funded,—</p> <p>(i) the community outcomes to which the activity primarily contributes; and</p> <p>(ii) the distribution of benefits between the community as a whole, any identifiable part of the community, and individuals; and</p> <p>(iii) the period in or over which those benefits are expected to occur; and</p> <p>(iv) the extent to which the actions or inaction of particular individuals or a group contribute to the need to undertake the activity; and</p> <p>(v) the costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities; and</p> <p>(b) the overall impact of any allocation of liability for revenue needs on the <i>current and future social, economic, environmental, and cultural well-being of the community</i>.</p> <p>Compare: 1974 No 66 s 122C(1)(a)–(c), (f)</p> <p>Section 101(2): amended, on 27 November 2010, by section 49 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).</p> <p>Section 101(3)(b): replaced, on 14 May 2019, by section 8 of the Local Government (Community Well-being) Amendment Act 2019 (2019 No 17).</p>
<p>Marine and Coastal Area (Takutai Moana) Act 2011</p>	<p>Preamble</p> <p>(1) In June 2003, the Court of Appeal held in <i>Attorney-General v Ngāti Apa</i> [2003] 3 NZLR 643 that the Māori Land Court had jurisdiction to determine claims of customary ownership to areas of the foreshore and seabed. The Foreshore and Seabed Act 2004 (the 2004 Act) was enacted partly in response to the Court of Appeal’s decision:</p> <p>(2) In its Report on the Crown’s Foreshore and Seabed Policy (Wai 1071), the Waitangi Tribunal found the policy underpinning the 2004 Act in breach of the Treaty of Waitangi. The Tribunal raised questions as to whether the policy complied with the rule of law and the principles of fairness and non-discrimination against a particular group of people. Criticism was voiced against the discriminatory effect of the 2004 Act on whānau, hapū, and iwi by the United Nations Committee on the Elimination of Racial Discrimination and the United Nations Special Rapporteur:</p> <p>(3) In 2009, a Ministerial Review Panel was set up to provide independent advice on the 2004 Act. It, too, viewed the Act as severely discriminatory against whānau, hapū, and iwi. The Panel proposed the repeal of the 2004 Act and engagement with Māori and the public about their interests in the foreshore and seabed, recommending that new legislation be enacted to reflect the Treaty of Waitangi and to recognise and provide for the interests of whānau,</p>

	<p>hapū, and iwi and for public interests in the foreshore and seabed:</p> <p>(4) This Act takes account of the intrinsic, inherited rights of iwi, hapū, and whānau, derived in accordance with tikanga and based on their connection with the foreshore and seabed and on the principle of manaakitanga. It translates those inherited rights into legal rights and interests that are inalienable, enduring, and able to be exercised so as to sustain all the people of New Zealand and the coastal marine environment for <i>future generations</i>:</p>
<p>Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012</p>	<p>10 Purpose</p> <p>(1) The purpose of this Act is—</p> <ol style="list-style-type: none"> (a) to promote the sustainable management of the natural resources of the exclusive economic zone and the continental shelf; and (b) in relation to the exclusive economic zone, the continental shelf, and the waters above the continental shelf beyond the outer limits of the exclusive economic zone, to protect the environment from pollution by regulating or prohibiting the discharge of harmful substances and the dumping or incineration of waste or other matter. <p>(2) In this Act, sustainable management means managing the use, development, and protection of natural resources in a way, or at a rate, that enables people to provide for their economic well-being while—</p> <ol style="list-style-type: none"> (a) sustaining the potential of natural resources (excluding minerals) <i>to meet the reasonably foreseeable needs of future generations</i>; and (b) safeguarding the life-supporting capacity of the environment; and (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment. <p>(3) In order to achieve the purpose, decision-makers must—</p> <ol style="list-style-type: none"> (a) take into account decision-making criteria specified in relation to particular decisions; and (b) apply the information principles to the development of regulations under section 27, 29A, 29B, or 29E and the consideration of applications for marine consent. <p>Section 10(1): replaced, on 31 October 2015, by section 7 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Amendment Act 2013 (2013 No 85).</p> <p>Section 10(3)(b): amended, on 1 June 2017, by section 213 of the Resource Legislation Amendment Act 2017 (2017 No 15).</p>
<p>Heritage New Zealand Pouhere Taonga Act 2014</p>	<p>4 Principles</p> <p>All persons performing functions and exercising powers under this Act must recognise—</p> <ol style="list-style-type: none"> (a) the principle that historic places have lasting value in their own right and provide evidence of the origins of New Zealand’s distinct society; and (b) the principle that the identification, protection, preservation, and conservation of New Zealand’s historical and cultural heritage should— <ol style="list-style-type: none"> (i) take account of all relevant cultural values, knowledge, and disciplines; and (ii) take account of material of cultural heritage value and involve the least possible alteration or loss of it; and (iii) <i>safeguard the options of present and future generations</i>; and (iv) be fully researched, documented, and recorded, where culturally appropriate; and (c) the principle that there is value in central government agencies, local authorities, corporations, societies, tangata whenua, and individuals working collaboratively in respect of New Zealand’s historical and cultural heritage; and

	(d) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga.
<p>Children and Young People's Commission Act 2022</p> <p>Note: only a sampling of references are included here as there are too many to include in this table</p>	<p>4 Purpose of this Act</p> <p>The purpose of this Act is to establish the Children and Young People's Commission to promote and advance the rights, interests, and participation of <i>children and young people</i> and to improve their well-being within (without limitation) the context of their families, whānau, hapū, iwi, and communities.</p> <hr/> <p>5 Principles</p> <p>The Commission must have regard to the following matters when performing or exercising its functions, duties, or powers under this Act:</p> <ul style="list-style-type: none"> (a) the Children's Convention: (b) the <i>child or young person</i> within (without limitation) the context of their family, whānau, hapū, iwi, and communities: (c) the diversity of <i>children and young people</i> in all its forms: (d) the need for high aspirations for the <i>well-being of all children and young people</i>, including responsive systems and structures that support them: (e) the need to give priority to the <i>children and young people</i> who are disadvantaged, and the issues affecting them: (f) the need to hear from, and be informed by, <i>children and young people</i>: (g) other international instruments relevant to, and that affect, <i>children and young people</i>. <hr/> <p>Schedule 2 United Nations Convention of the Rights of the <u>Child</u> ... Article 24</p> <ul style="list-style-type: none"> (4) States Parties recognize the <i>right of the child</i> to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. (5) States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: <ul style="list-style-type: none"> (a) To diminish infant and child mortality; (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, <i>taking into consideration the dangers and risks of environmental pollution</i>; (d) To ensure appropriate pre-natal and post-natal health care for mothers; (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents; (f) To develop preventive health care, guidance for parents and family planning education and services. (6) States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children. (7) States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realisation of the

	<p>right recognized in the present Article. In this regard, particular account shall be taken of the needs of developing countries.</p> <p>...</p> <p>Article 29</p> <p>(1) States Parties agree that the education of the child shall be directed to:</p> <ul style="list-style-type: none"> (a) The development of the child’s personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The <i>development of respect for the natural environment</i>. <p>...</p>
<p>Natural and Built Environment Act 2023</p>	<p>3 Purpose of this Act</p> <ul style="list-style-type: none"> (1) The purpose of this Act is to uphold te Oranga o te Taiao. (2) The purpose must be achieved in a way that— <ul style="list-style-type: none"> (a) protects the health of the natural environment; and (b) subject to paragraph (a), enables the use and development of the environment in a way that <i>promotes the well-being of both present and future generations</i>. (3) Te Oranga o te Taiao means all of the following: <ul style="list-style-type: none"> (a) the health of the natural environment; and (b) the relationship between the health of the natural environment and its capacity to sustain life; and (c) the relationship between the health of the natural environment and the health and well-being of people and communities; and (d) the interconnectedness of all parts of the environment; and (e) the relationship between iwi and hapū and te Taiao that is based on whakapapa.
	<p>4 Means for achieving purpose of Act</p> <p>This section sets out the following key means to achieve the purpose of the Act:</p> <ul style="list-style-type: none"> (a) system outcomes must be provided for,— <ul style="list-style-type: none"> (i) at the national level, through the national planning framework (see section 128); and (ii) at the regional level, in plans (see section 174); and (b) environmental limits and their associated mandatory targets must be set in the national planning framework and in plans for each of the domains listed in section 109(1), and compliance with those limits and targets is required; and (c) discretionary targets for achieving outcomes may be set in the national planning framework and in plans (see section 120); and (d) the national planning framework whose purpose is described in section 102; and (e) regional spatial strategies must be prepared under the Spatial Planning Act 2023 to— <ul style="list-style-type: none"> (i) assist in achieving the purpose of this Act and the system outcomes provided under it; and (ii) promote integration in the performance of functions under this Act,

	<p>the Land Transport Management Act 2003, the Local Government Act 2002, and the Water Services Entities Act 2022 (see sections 3 and 4 of the Spatial Planning Act 2023); and</p> <p>(f) plans whose purpose is described in section 166; and</p> <p>(g) decision-making principles must be applied by decision makers (see section 8); and</p> <p>(h) the attributes of places of national importance and highly vulnerable biodiversity areas must be recognised, protected, and sustained for their intrinsic value and <i>for the benefit of both present and future generations</i> (see subpart 5 of Part 7); and</p> <p>(i) the protection of natural features (including geoheritage) and landscapes that are outstanding at the local and regional scale may be provided for; and</p> <p>(ii) the effects of activities on the environment must be managed.</p>
	<p>6 System outcomes</p> <p>(1) The purpose of providing system outcomes in subsections (2) to (13) is to establish what must be achieved at the national and regional levels to ensure that the purpose of the Act is achieved.</p> <p>(2) The following aspects of the environment are protected or, if degraded, are restored:</p> <p>(a) the ecological integrity, mana, and mauri of—</p> <p>(i) air, water, and soil; and</p> <p>(ii) the coastal environment (including the coastal marine area and estuaries), wetlands, and lakes and rivers and their margins; and</p> <p>(iii) indigenous biodiversity:</p> <p>(b) outstanding natural features (including geoheritage) and outstanding natural landscapes:</p> <p>(c) the natural character of the coastal environment (including the coastal marine area and estuaries), wetlands, and lakes and rivers and their margins:</p> <p>(d) cultural heritage.</p> <p>(3) In relation to climate change,—</p> <p>(a) greenhouse gas emissions are reduced to assist New Zealand to meet the target set under section 5Q of the Climate Change Response Act 2002; and</p> <p>(b) greenhouse gases are removed from the atmosphere.</p> <p>(4) The risks arising from natural hazards and the effects of climate change are reduced and other measures are taken to achieve an environment that is more resilient to those risks.</p> <p>(5) The coastal marine area is used sustainably to <i>promote the well-being of both present and future generations</i>.</p> <p>(6) Public access to and along the coastal marine area, lakes, and rivers is maintained and enhanced.</p> <p>(7) Public recreational use and enjoyment of the natural environment is maintained and enhanced.</p> <p>(8) The habitat of trout and salmon is protected, as far as this is consistent with the protection of the habitat of indigenous freshwater species.</p> <p>(9) There are well-functioning urban and rural areas that are responsive to the diverse and changing needs of people and their communities in a way that promotes—</p> <p>(a) the use and development of land for a variety of activities, including for housing, business use, and primary production; and</p> <p>(b) development capacity, in relation to housing and business land, being available well ahead of expected demand; and</p> <p>(c) adaptable and resilient urban forms that provide access for people</p>

	<p>and their communities to and between social, economic, recreational, and cultural opportunities.</p> <p>(10) Infrastructure is provided in a timely and ongoing manner to <i>promote the well-being of both present and future generations</i>.</p> <p>(11) In order to <i>promote the well-being of both present and future generations</i>, highly productive land is protected—</p> <ol style="list-style-type: none"> (a) for use in land-based primary production; and (b) from inappropriate subdivision, use, and development. <p>(12) The relationship of iwi and hapū, and the exercise of their kawa, tikanga Māori (including kaitiakitanga), and mātauranga Māori in respect of their ancestral lands, water, sites, wāhi tapu, wāhi tūpuna, and other taonga, are recognised and provided for.</p> <p>(13) Statutory acknowledgements are recognised consistently with the provision made for them in the relevant legislation.</p>
	<p>17 Environmental responsibility</p> <ol style="list-style-type: none"> (1) Consistently with the ethic of stewardship, every person has a responsibility to protect and sustain the health and well-being of the natural environment <i>for the benefit of both present and future generations</i>, including as required by section 18. (2) The responsibility referred to in subsection (1) is not, of itself, enforceable against any person and no person is liable to any other person for a breach of that responsibility.
	<p>112 When minimum acceptable limit must be set</p> <ol style="list-style-type: none"> (1) If the responsible Minister is satisfied that the ecological integrity of an aspect of the natural environment for which an environmental limit is required is unacceptably degraded,— <ol style="list-style-type: none"> (a) the Minister must— <ol style="list-style-type: none"> (i) set a minimum acceptable limit for that aspect in the national planning framework; or (ii) require that a minimum acceptable limit for that aspect be set in a plan; and (b) if an environmental limit has already been set for that aspect, on the date that the minimum acceptable limit applies, the minimum acceptable limit replaces the environmental limit; and (c) if no environmental limit has been set for that aspect, the minimum acceptable limit is the environmental limit. (2) In determining whether the ecological integrity of an aspect of the natural environment is unacceptably degraded, the responsible Minister must consider only the following matters: <ol style="list-style-type: none"> (a) whether the degradation of that aspect compromises the <i>ability of future generations to provide for their needs and well-being</i>; and (b) whether and how the state of that aspect— <ol style="list-style-type: none"> (i) <i>poses risks to human health of current and future generations</i>; and (ii) increases the risk of indigenous species being displaced or made extinct; and (iii) increases the risk of irreversible or significant harm to ecological integrity; and (c) the impact of any recent disaster event on that aspect and on the matters described in paragraphs (a) and (b); and (d) New Zealand’s international obligations that relate to that aspect. (3) The responsible Minister must— <ol style="list-style-type: none"> (a) be satisfied that the minimum acceptable limit is set at a level they are satisfied will remedy the degradation of the aspect of the natural environment to which it relates; but

	<p>(b) if satisfied that it is not possible to remedy the degradation of that aspect, set the minimum acceptable limit at a level they are satisfied will improve that aspect to the extent practicable.</p> <p>(4) The responsible Minister must, in the national planning framework, require that a minimum acceptable limit that has been achieved must be maintained or improved.</p>
	<p>127 National planning framework must provide direction and provide for monitoring</p> <p>(1) The national planning framework must, in accordance with section 7, provide direction on—</p> <p>(a) how decision makers are to achieve the system outcomes; and</p> <p>(b) how the use and development of the environment is to <i>promote the well-being of both present and future generations</i> within the relevant environmental limits; and</p> <p>(c) the key long-term environmental matters and priorities and how they are to be dealt with.</p> <p>(2) The national planning framework must specify how the following will be monitored:</p> <p>(a) the implementation of the framework; and</p> <p>(b) the effectiveness of the framework.</p>
	<p>Places of national importance</p> <p>416 Purpose of sections 417 to 426</p> <p>(1) The purpose of sections 417 to 426 is to ensure that the attributes of places of national importance are recognised, protected, and sustained for their intrinsic value and <i>for the benefit of both present and future generations</i>.</p> <p>(2) Subsection (1) applies despite anything in this Act that is contrary to, or inconsistent with, the purpose stated in that subsection.</p>
	<p>Areas of highly vulnerable biodiversity</p> <p>427 Purpose of sections 428 to 436</p> <p>(1) The purpose of sections 429 to 436 is to ensure that the attributes of highly vulnerable biodiversity areas are recognised, protected, and sustained for their intrinsic value and <i>for the benefit of both present and future generations</i>.</p> <p>(2) Subsection (1) applies despite anything in this Act that is contrary to, or inconsistent with, the purpose stated in that subsection.</p>
	<p>512 Recognition of identified Māori land as taonga tuku iho</p> <p>(1) The functions, duties, and powers conferred by this subpart must be exercised in a manner that recognises that identified Māori land is a taonga tuku iho for the owners of the land and the hapū associated with the land.</p> <p>(2) A person exercising a power or performing a function or duty under this subpart must consider the rights and interests of owners of identified Māori land to retain, control, utilise, and occupy the land <i>for the benefit of present and future generations</i> of owners, their whānau, and their hapū.</p> <p>(3) This section applies if the function, duty, or power is performed or exercised—</p> <p>(a) in relation to a notice of requirement for a designation, a new designation, or an existing designation;</p> <p>(b) where clause 30 of Schedule 6 applies;</p> <p>(c) under this subpart or any provision elsewhere in this Act that relates to designations.</p>
	<p>Schedule 9 Information required in application for resource consent</p>

	<p>7 Matters that must be addressed by assessment of environmental effects</p> <p>(1) An assessment of the activity’s effects on the environment must address the following matters:</p> <ul style="list-style-type: none"> (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects: (b) any physical effect on the locality, including any landscape and visual effects: (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity: (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for <i>present or future generations</i>: (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants: (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations. <p>(2) An assessment of the activity’s effects on the environment must not address any matter described in section 286(10).</p> <p>(3) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of the national planning framework or the plan.</p>
<p>Spatial Planning Act 2023</p>	<p>26 Identified Māori land</p> <p>(1) This section applies if a regional planning committee is preparing a regional spatial strategy that identifies—</p> <ul style="list-style-type: none"> (a) the need for potential infrastructure or infrastructure corridors or sites that may require a designation; and (b) the potential location of the infrastructure or infrastructure corridors or sites (whether that is done by identifying a specific location or a wider area in which the infrastructure or infrastructure corridors or sites may be located). <p>(2) In identifying the potential location, the regional planning committee must—</p> <ul style="list-style-type: none"> (a) act in a manner that recognises that identified Māori land is a taonga tuku iho for the owners of the land and the hapū associated with the land; and (b) consider the rights and interests of owners of identified Māori land to retain, control, utilise, and occupy the land <i>for the benefit of present and future generations of owners, their whānau, and their hapū</i>.

Table D.2: Sections of national policy statements

<p>New Zealand Coastal Policy Statement 1994 (Superseded)</p>	<p>General Principles For The Sustainable Management Of New Zealand’s Coastal Environment</p> <p>The purpose of the New Zealand Coastal Policy Statement is set out in Section 56 of the Resource Management Act which states:</p> <p>The purpose of a New Zealand coastal policy statement is to state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand.</p> <p>The purpose of the Resource Management Act is set out in Section 5 of the Act which states:</p>
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	<p>(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.</p> <p>(2) In this Act, ‘sustainable management’ means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:</p> <ol style="list-style-type: none"> (a) sustaining the potential of natural and physical resources (excluding minerals) to meet <i>the reasonably foreseeable needs of future generations</i>; (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment. <p>8. Treaty of Waitangi In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</p> <p>In addition to the foregoing, to provide for the special context of the coastal environment, regard shall be had to the following general principles:</p> <p>...</p> <p>(8) Cultural, historical, spiritual, amenity and intrinsic values are the heritage of <i>future generations</i> and damage to these values is often irreversible.</p>
<p>National Policy Statement on Electricity Transmission 2008</p>	<p>5. Objective To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources <i>to meet the needs of present and future generations</i>, while:</p> <ul style="list-style-type: none"> • managing the adverse environmental effects of the network; and • managing the adverse effects of other activities on the network.
<p>New Zealand Coastal Policy Statement 2010</p>	<p>Policy 3 Precautionary approach</p> <ol style="list-style-type: none"> (1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse. (2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that: <ol style="list-style-type: none"> (a) avoidable social and economic loss and harm to communities does not occur; (b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and (c) the natural character, public access, amenity and other values of the coastal environment <i>meet the needs of future generations</i>. <p>Policy 6 Activities in the coastal environment</p> <ol style="list-style-type: none"> (1) In relation to the coastal environment: <ol style="list-style-type: none"> (a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities; (b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without

	<p>compromising the other values of the coastal environment;</p> <ul style="list-style-type: none"> (c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth; (d) recognise tangata whenua needs for papakāinga³, marae and associated developments and make appropriate provision for them; (e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area; (f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable; (g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, <i>to meet the reasonably foreseeable needs of future generations</i>; (h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects; (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and (j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value. <p>(2) Additionally, in relation to the coastal marine area:</p> <ul style="list-style-type: none"> (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute <i>to meeting the energy needs of future generations</i>; (b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area; (c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places; (d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and (e) promote the efficient use of occupied space, including by: <ul style="list-style-type: none"> (i) requiring that structures be made available for public or multiple use wherever reasonable and practicable; (ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and (iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.
	<p>Policy 18 Public open space Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:</p> <ul style="list-style-type: none"> (a) ensuring that the location and treatment of public open space is compatible

	<p>with the natural character, natural features and landscapes, and amenity values of the coastal environment;</p> <p>(b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;</p> <p>(c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;</p> <p>(d) considering the likely impact of coastal processes and climate change <i>so as not to compromise the ability of future generations to have access to public open space</i>; and</p> <p>(e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.</p> <p>Policy 27 Strategies for protecting significant existing development from coastal hazard risk</p> <p>(1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:</p> <p>(a) promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;</p> <p>(b) identifying the consequences of potential strategic options relative to the option of 'do-nothing';</p> <p>(c) recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources <i>to meet the reasonably foreseeable needs of future generations</i>;</p> <p>(d) recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and</p> <p>(e) identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.</p>
<p>National Policy Statement Freshwater Management 2014 (Superseded)</p>	<p>Preamble</p> <p>Fresh water is essential to New Zealand's economic, environmental, cultural and social wellbeing. Fresh water gives our primary production, tourism, and energy generation sectors their competitive advantage in the global economy. Fresh water is highly valued for its recreational aspects and it underpins important parts of New Zealand's biodiversity and natural heritage. Fresh water has deep cultural meaning to all New Zealanders. Many of New Zealand's lakes, rivers and wetlands are iconic and well known globally for their natural beauty and intrinsic values.</p> <p>The Treaty of Waitangi (Te Tiriti o Waitangi) is the underlying foundation of the Crown-iwi/ hapū relationship with regard to freshwater resources. Addressing tāngata whenua values and interests across all of the well-beings, and including the involvement of iwi and hapū in the overall management of fresh water, are key to meeting obligations under the Treaty of Waitangi.</p> <p><i>All New Zealanders have a common interest</i> in ensuring the country's freshwater lakes, rivers, aquifers and wetlands are managed wisely.</p> <p>New Zealand faces challenges in managing our fresh water to provide for all of the values that are important to New Zealanders. The quality, health, availability and economic value of our fresh waters are under threat. These challenges are likely to increase over time due to the impacts of climate change.</p> <p>To respond effectively to these challenges and issues we need to have a good understanding of our freshwater resources, the threats to them and provide a</p>

	<p>management framework that enables water to contribute both to New Zealand’s economic growth and environmental integrity and provides for the values that are important to New Zealanders.</p> <p>...</p> <p>National bottom lines in the national policy statement are not standards that must be achieved immediately. Where freshwater management units are below national bottom lines, they will need to be improved to at least the national bottom lines over time. It is up to communities and iwi to determine the pathway and timeframe for ensuring freshwater management units meet the national bottom lines. Where changes in community behaviours are required, adjustment timeframes should be decided based on the economic effects that result from the speed of change. Improvements in freshwater quality may take <i>generations</i> depending on the characteristics of each freshwater management unit.</p> <p>...</p> <p>Appendix 1: National values and uses for fresh water</p> <p>...</p> <p>Mahinga kai / food gathering, places of food Mahinga kai – Kai are safe to harvest and eat.</p> <p>Mahinga kai generally refers to indigenous freshwater species that have traditionally been used as food, tools, or other resources. Mahinga kai provide food for the people of the rohe and these sites give an indication of the overall health of the catchment.</p> <p>For this value, kai would be safe to harvest and eat and knowledge transfer is present (<i>intergenerational</i> harvest). In freshwater management units that are highly valued for providing mahinga kai, the desired species are plentiful enough for long-term harvest and the range of desired species is present across all life stages.</p> <p>...</p> <p>Wai tapu / Sacred Waters Wai tapu – Wai tapu represent the places where rituals and ceremonies are performed.</p> <p>Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of raahui), whakanoa (removal of raahui), and <i>tuku iho</i> (<i>gifting of knowledge and resources for future generations</i>).</p> <p>In providing for this value, the wai tapu would be free from human and animal waste, contaminants and excess sediment, with valued features and unique properties of the wai protected to some extent. Other matters that may be important are that identified catchments have integrity (there is no artificial mixing of the wai tapu) and identified taonga in the wai are protected.</p>
<p>National Policy Statement Freshwater Management 2014 (amended in 2017) (Superseded)</p>	<p>Preamble</p> <p>Fresh water is essential to New Zealand’s economic, environmental, cultural and social well-being. Fresh water gives our primary production, tourism, and energy generation sectors their competitive advantage in the global economy. Fresh water is highly valued for its recreational aspects and it underpins important parts of New Zealand’s biodiversity and natural heritage. Fresh water has deep cultural meaning to all New Zealanders. Many of New Zealand’s lakes, rivers and wetlands are iconic and well known globally for their natural beauty and intrinsic values.</p> <p>The Treaty of Waitangi/Te Tiriti o Waitangi is the underlying foundation of the Crown–iwi/ hapū relationship with regard to freshwater resources. Addressing tangata whenua values and interests across all of the well-beings, and including the</p>

	<p>involvement of iwi and hapū in the overall management of fresh water, are key to giving effect to the Treaty of Waitangi.</p> <p><i>All New Zealanders have a common interest in ensuring the country's freshwater lakes, rivers, aquifers and wetlands are managed wisely.</i></p> <p>New Zealand faces challenges in managing our fresh water to provide for all of the values that are important to New Zealanders. The quality, health, availability and economic value of our fresh waters are under threat. These challenges are likely to increase over time due to the impacts of climate change.</p> <p>To respond effectively to these challenges and issues, we need to have a good understanding of our freshwater resources, the threats to them, and provide a management framework that enables water to contribute both to New Zealand's economic growth and environmental integrity and provides for the values that are important to New Zealanders.</p> <p>...</p> <p>National bottom lines in the national policy statement are not standards to aim for. Where freshwater management units are below national bottom lines they must be improved to at least the national bottom line, or better, over time. It is up to communities and iwi/hapū, through councils, to determine the pathway and timeframe for ensuring freshwater management units meet the national bottom lines. Where changes in the way communities use fresh water are required, the pace of those changes should take into account impacts on economic well-being. Improvements in freshwater quality may take <i>generations</i> depending on the characteristics of each freshwater management unit.</p> <p>...</p>
	<p>National significance of fresh water and Te Mana o te Wai</p> <p>...</p> <p>By recognising Te Mana o te Wai as an integral part of the freshwater management framework it is intended that the health and well-being of freshwater bodies is at the forefront of all discussions and decisions about fresh water, including the identification of freshwater values and objectives, setting limits and the development of policies and rules. This is intended to ensure that water is available for the use and enjoyment of all New Zealanders, including tangata whenua, <i>now and for future generations</i>.</p>
	<p>Other National Values</p> <p>...</p> <p>Wai tapu – Wai tapu represent the places where rituals and ceremonies are performed, or where there is special significance to iwi/hapū.</p> <p>Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of raahui), whakanoa (removal of raahui), and <i>tuku iho (gifting of knowledge and resources for future generations)</i>.</p> <p>In providing for this value, the wai tapu would be free from human and animal waste, contaminants and excess sediment, with valued features and unique properties of the wai protected. Other matters that may be important are that there is no artificial mixing of the wai tapu and identified taonga in the wai are protected.</p>
<p>National Policy Statement for Freshwater Management 2020</p>	<p>1.3 Fundamental concept – Te Mana o te Wai</p> <p>...</p> <p>Framework</p> <p>(3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata</p>

<p>(superseded)</p>	<p>whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.</p> <p>(4) The 6 principles are:</p> <ul style="list-style-type: none"> (a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater (b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the <i>benefit of present and future generations</i> (c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others (d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater <i>now and into the future</i> (e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it <i>sustains present and future generations</i> (f) Care and respect: the responsibility of <i>all New Zealanders</i> to care for freshwater in providing for the health of the nation. <p>(5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises:</p> <ul style="list-style-type: none"> (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, <i>now and in the future.</i>
	<p>2.1 Objective</p> <p>(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</p> <ul style="list-style-type: none"> (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural <i>well-being, now and in the future.</i>
	<p>Appendix 1B – Other values that must be considered</p> <p>3 Wai tapu</p> <p>Wai tapu represent the places in an FMU or part of an FMU where rituals and ceremonies are performed, or where there is special significance to tangata whenua. Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of rāhui), whakanoa (removal of rāhui), and <i>tuku iho (gifting of knowledge and resources to future generations).</i></p>
<p>National Policy Statement Urban Development 2020</p>	<p>Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, <i>now and into the future.</i></p>
	<p>Objective 4: New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and <i>future generations.</i></p>
	<p>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <ul style="list-style-type: none"> (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement (b) that the planned urban built form in those RMA planning documents may

	<p>involve significant changes to an area, and those changes:</p> <ul style="list-style-type: none"> (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and <i>future generations</i>, including by providing increased and varied housing densities and types; and (ii) are not, of themselves, an adverse effect (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1) (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity (e) the likely current and future effects of climate change.
National Policy Statement Highly Productive Land 2022	<p>2.1 Objective Objective: Highly productive land is protected for use in land-based primary production, both <i>now and for future generations</i>.</p>
	<p>3.2 Integrated management</p> <ul style="list-style-type: none"> (1) Regional councils and territorial authorities must identify highly productive land, and manage the effects of subdivision, use, and development of highly productive land, in an integrated way, which means: <ul style="list-style-type: none"> (a) considering how land-based primary production, including supporting activities, interact with freshwater management at a catchment level; and (b) providing co-ordinated management and control of the subdivision, use, and development on highly productive land across administrative boundaries within and between regions; and (c) taking a long-term, strategic approach to <i>protecting and managing highly productive land for future generations</i>.
National Policy Statement Indigenous Biodiversity 2023	<p>2.1 Objective</p> <ul style="list-style-type: none"> (1) The objective of this National Policy Statement is: <ul style="list-style-type: none"> (a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and (b) to achieve this: <ul style="list-style-type: none"> (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and (iv) while providing for the social, economic, and cultural wellbeing of people and communities <i>now and in the future</i>.
	<p>1.6 Interpretation</p> <p>...</p> <p>mātauranga Māori means Māori customary knowledge, traditional knowledge, or <i>intergenerational</i> knowledge and is held by tangata whenua at place</p>
National Policy Statement Fresh Water 2020 (Amended Jan 2024)	<p>1.3 Fundamental concept – Te Mana o te Wai</p> <p>...</p> <p>Framework</p> <ul style="list-style-type: none"> (3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its

	<p>implementation.</p> <p>(4) The 6 principles are:</p> <ul style="list-style-type: none"> (a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater (b) Kaitiakitanga: the <i>obligations</i> of tangata whenua to preserve, restore, enhance, and sustainably use freshwater <i>for the benefit of present and future generations</i> (c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others (d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and <i>well-being of freshwater now and into the future</i> (e) Stewardship: the <i>obligations</i> of all New Zealanders to manage freshwater in a way that ensures it <i>sustains present and future generations</i> (f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation. <p>(5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises:</p> <ul style="list-style-type: none"> (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural <i>well-being, now and in the future.</i>
	<p>2.1 Objective</p> <p>(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</p> <ul style="list-style-type: none"> (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural <i>well-being, now and in the future.</i>
	<p>Appendix 1B – Other values that must be considered</p> <p>...</p> <p>3 Wai tapu</p> <p>Wai tapu represent the places in an FMU or part of an FMU where rituals and ceremonies are performed, or where there is special significance to tangata whenua.</p> <p>Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of rāhui), whakanoa (removal of rāhui), and <i>tuku iho (gifting of knowledge and resources to future generations).</i></p> <p>In providing for this value, the wai tapu are free from human and animal waste, contaminants and excess sediment, with valued features and unique properties of the wai protected. Other matters that may be important are that there is no artificial mixing of the wai tapu and identified taonga in the wai are protected.</p>

Appendix E

IEJ concepts in national policy statements

This appendix documents the number of references to future generations, young people, sustainability, and kaitiakitanga within the national policy statements, as shown in Table E.1.

Table E.1: IEJ concepts in national policy statements

Legislation	Future generations	Young people	Sustainability	Kaitiakitanga
NZCPS 1994 (superseded)	2	0	7	2
NPS-ET 2008	1	0	2	0
NZCPS 2010	6	0	9	5
National Policy Statement for Renewable Electricity Generation 2011	0	0	1	1
NPS-FM 2014 (superseded)	3	0	4	1
NPS-FM 2014 (Updated August 2017) (superseded)	3	0	6	1
NPS-FM 2020 (superseded)	6*	0	6	2
NPS-UD 2020	3*	0	0	0
NPS-HPL 2022	2	0	0	0
NPS-IB 2023	2*	0	3	6
National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023	0	0	0	0
NPS-FM 2020 (Amended January 2024)	6*	0	6	2

Notes:

* Count includes instances of “now and into the future” or similar phrasing

Appendix F

Analysis of IEJ concepts in key legislation and policy over time

This appendix includes the analysis of the presence of IEJ concepts in the key legislation and policy over time from the document analysis, as shown in Table F.1. Legislation is bold, national policy statements are in italics, sustainability concepts are in blue.

Table F.1: Analysis of IEJ concepts in key legislation and policy over time

Legislation / Policy (in chronological order as enacted or amended)	Frequently Used							Less Frequently Used										
	Sustainability	Sustainable management	Needs of future generations	Reasonably foreseeable	Well-being of future generations	Specific resources identified	Present AND future	Sustainable development	Safeguard options	Benefits	Protection / conservation	Interests	Rights / obligations	Compromise	No-satisfaction theory	Values of future generations	Between generations	All New Zealanders
Environment Act 1986	X		X															
Conservation Act 1987	X						X	X	X	X								
Resource Management Act 1991		X	X	X											X	X		
<i>NZCPS 1994 (superseded)</i>		X	X	X												X		
Fisheries Act 1996	X		X	X		X												
Hazardous Substances and New Organisms Act 1996		X	X	X														
Energy Efficiency and Conservation Act 2000	X		X	X														
Climate Change Response Act 2002 (as enacted)							X		X	X								
Local Government Act 2002			X	X	X	X	X	X			X							
<i>NPS-ET 2008</i>		X	X			X	X											
<i>NZCPS 2010</i>	X	X	X	X		X							X		X			
Marine and Coastal Area (Takutai Moana) Act 2011	X	X				X												X
Exclusive Economic Zone and		X	X	X														

Continental Shelf (Environmental Effects) Act 2012																			
Heritage New Zealand Pouhere Taonga Act 2014						X	X		X		X								
<i>NPS-FM 2014 (superseded)</i>						X					X								X
<i>NPS-FM 2014 (amended in 2017) (superseded)</i>					X	X	X				X								X
<i>NPS-FM 2020 (superseded)</i>	X				X	X	X			X			X						X
<i>NPS-UD 2020</i>			X		X		X										X		
Climate Change Response Act 2002 (amended in 2019 and 2020)							X			X	X		X					X	
Crown Pastoral Land Act 1998 (amended in 2022)	X					X	X										X		
<i>NPS-HPL 2022</i>						X	X				X								
<i>NPS-IB 2023</i>	X				X		X												
Natural & Built Environment Act 2023 (repealed)	X		X		X	X	X			X	X			X			X		
Spatial Planning Act 2023 (repealed)							X			X									
<i>NPS-FM 2020 (amended January 2024)</i>	X				X	X	X			X			X						X

Appendix G

Case law review

This appendix includes the case law reviewed as part of the document analysis. Table G.1 sets out each case with any relevant interpretation notes, identifies the specific resources that have been described as important for future generations in the case, and sets out a brief summary of the case describing the relevance of considerations to future generations to the decision. The table only includes the cases that had relevant content on future generations, many of the cases reviewed only quoted the legislation and thus are not included in the table.

Table G.1: Case law review summary

Case	Notes
<i>Bunnings Ltd v Hastings District Council [2011] ELHNZ 333</i>	<p>Interpretation: n/a</p> <p>Resource: Potential of the Heretaunga Plains as a highly productive resource for food production</p> <p>Summary: Unsuccessful appeal, consent denied due to failure to pass the s104D threshold tests, in part due to failure of the proposal to sustain the potential of the site to meet the reasonably foreseeable needs of future generations for food production.</p>
<i>Canterbury Regional Council v Christchurch City Council [2001] ELHNZ 515</i>	<p>Interpretation: Meaning of “future generations:” “The average was about two generations. We consider that is a minimum to consider and also that the term is more flexible (upwards) than that depending on the nature both of the resource being considered and the threat to it” (para 18).</p> <p>Resource: Conflict between urban growth and productive land needed for primary production.</p> <p>Summary: The decision was held on the basis that there was insufficient evidence to determine if allowing the rezonings would have significant adverse effects, and while the policies enable development, the council is to act as a referee by ensuring growth is consistent with a consolidated urban form.</p>
<i>Canterbury Regional Council v Selwyn District Council [1997] NZRMA 25</i>	<p>Interpretation: Definitions by negation are provided for “reasonably foreseeable,” “needs,” and “future generations” (p. 13).</p> <p>Resource: Productive and versatile soils for food production</p> <p>Summary: Unsuccessful appeal against changes in the Selwyn District Plan that allow farmland to be developed into residential property around Lincoln, on the basis that the subdivision of land will not affect the ability of future generations to meet their needs to produce food.</p>
<i>Clyma v Otago Regional Council [1996] ELHNZ 205</i>	<p>Interpretation: n/a</p> <p>Resource: Rural/natural coastal character</p> <p>Summary: Successful appeal against consent for a reclamation to establish an aquatic recreation facility in part due to finding that it would diminish the rural coastal character of the harbour which should be protected to meet the reasonably foreseeable needs of future generations.</p>
<i>Darroch v Whangarei District Council [1993] ELHNZ 24</i>	<p>Interpretation: n/a</p> <p>Resource: Tributary and uncontaminated water</p>

	<p>Summary: Successful appeal against refusal to grant water and discharge permits on the basis that claims that the discharge of contaminants would not sustain the potential of the tributary to meet the reasonably foreseeable needs of future generations were unfounded.</p>
<p><i>DL Newlove Ltd v Northland Regional Council [1994] ELHNZ 86</i></p>	<p>Interpretation: n/a Resource: Potential of the river and land Summary: Unsuccessful appeal against a proposed water take for irrigation. Sweeping statements were made that it would sustain the potential of the river and the land to meet the reasonably foreseeable needs of future generations.</p>
<p><i>First Wave Ltd v Marlborough District Council [1997] ELHNZ 160</i></p>	<p>Interpretation: n/a Resource: Amenity and intrinsic values and natural character of the coastal environment Summary: Unsuccessful appeal for a declined consent for a marine farm as it was found contrary to section 5 of the RMA, including preserving amenity and intrinsic values and the natural character of the coastal environment for future generations.</p>
<p><i>Greensill v Waikato Regional Council [1995] ELHNZ 53</i></p>	<p>Interpretation: n/a Resource: Not specifically identified Summary: A successful appeal against an oyster farm consent, found that sustainable management is best achieved by protecting the resource which would sustain the potential of the resource for future generations.</p>
<p><i>Harrison v Tasman District Council [1994] NZRMA 193</i></p>	<p>Interpretation: n/a Resource: Estuary Summary: A successful appeal against a previous decision to grant consent for a refuse transfer station facility in part due to the need to protect the estuary resource for future generations from an environmental viewpoint as well as for marine food resources.</p>
<p><i>JA Howie No 2 Trust v Auckland City Council [1996] ELHNZ 372</i></p>	<p>Interpretation: n/a Resource: Open space for recreation Summary: Successful appeal against consent for a kindergarten in an area zoned for open space on the basis that preservation of open space aligns more with section 5 of the RMA, including protecting open space for recreation for future generations.</p>
<p><i>Johnson v Tasman District Council [2002] ELHNZ 98</i></p>	<p>Interpretation: n/a Resource: Productive capacity of land Summary: Appeal allowed on the basis that a new subdivision plan be created to arrange land by soil types to better retain the productive potential of land and so future generations are left with options for production.</p>
<p><i>Judges Bay Residents Association v Auckland Regional Council [1998] ELHNZ 216</i></p>	<p>Interpretation: n/a Resource: Natural state of the harbour Summary: Unsuccessful appeal against a proposed cargo terminal at Auckland port. Appeal based on effects on the natural state of the harbour which should be preserved for future generations, however, the decision was in favour of the economic well-being generated by the port.</p>
<p><i>Lambly v Whangarei District [1993] ELHNZ 140</i></p>	<p>Interpretation: n/a Resource: Natural character of the coastal environment Summary: Successful appeal against a consent for subdivision on a coastal site based on the potential visual effects and a future need for the natural character of the coastal environment.</p>

<i>Lovegrove v Waikato District Council [1997] ELHNZ 39</i>	<p>Interpretation: n/a</p> <p>Resource: Food, fibre and fuel produced from high quality soils</p> <p>Summary: Unsuccessful appeal seeking change of rural zoning to rural residential to allow subdivision on land not currently used for productive use, however, appeal was declined as the proposal would fragment land and thus compromise the capability of the land for future production.</p>
<i>Lowe v Auckland Regional Council [1994] ELHNZ 63</i>	<p>Interpretation: n/a</p> <p>Resource: Natural character of the coastal environment and access to unspoiled harbours for recreation.</p> <p>Summary: Unsuccessful appeal, the coastal permit application for a mussel farm would not preserve the natural character of the environment to meet the reasonably foreseeable needs of future generations for access to unspoiled harbours for recreation.</p>
<i>Marlborough District v Southern Ocean Seafoods Inc. [1995] NZRMA 220</i>	<p>Interpretation: The “intention of the legislation is to ensure that successive generations husband the available resources and pass them onto the next in no lesser state than was available to the donor generation” (p. 7).</p> <p>Resource: Marine resources</p> <p>Summary: Semi-successful application for declarations, found that resource consent under the RMA is required to carry out activities relating to a marine farm license.</p>
<i>Marr v Bay of Plenty Regional Council [2010] ELHNZ 457</i>	<p>Interpretation: n/a</p> <p>Resource: The natural resource and mauri of the river conflicts with the physical resource of the Tasman Mill which provides economic and social benefits.</p> <p>Summary: Findings in favour of the continued operation of the Tasman Mill, in part on the basis that this will provide employment which meets the reasonably foreseeable needs of future generations.</p>
<i>McDonald v Auckland Regional Council [2002] ELHNZ 434</i>	<p>Interpretation: n/a</p> <p>Resource: Sand</p> <p>Summary: Sand extraction is a mineral under the RMA, but section 7(g) requires particular regard to finite resources, this is found to be relevant to minerals, but the Court found that there would be minimal effects from granting consent for the extraction.</p>
<i>McMillan v Upper Hutt City Council [2001] ELHNZ 333</i>	<p>Interpretation: n/a</p> <p>Resource: Land with productive potential</p> <p>Summary: Unsuccessful appeal, finding that land has low productive value so reasonably foreseeable needs of future generations will not be compromised by subdivision.</p>
<i>Minister of Conservation v Gisborne District Council [2000] ELHNZ 73</i>	<p>Interpretation: n/a</p> <p>Resource: Healthy Indigenous forest</p> <p>Summary: Successful appeal against a decision to grant consent to clear and burn regenerating indigenous scrub vegetation within a protected management area on privately owned land.</p>
<i>Minister of Conservation v Kapiti Coast District [1994] NZRMA 385</i>	<p>Interpretation: n/a</p> <p>Resource: Natural character of the coastal environment</p> <p>Summary: Successful appeal against granting of subdivision consent on coastal land due in part to the failure of the proposal to preserve natural coastal character to meet the reasonably foreseeable needs of future generations to experience the sand dunes and coastal environment.</p>
<i>Oruawhoro Marae Trust v Auckland</i>	<p>Interpretation: n/a</p> <p>Resource: Sand and ecological quality</p>

<i>Regional Council [2006] ELHNZ 251</i>	Summary: Sand extraction is a mineral under the RMA, but the ecological effects of extraction can be considered; however, the decision was held on the basis that monitoring and review were satisfactory conditions.
<i>Pickmere v Franklin District (1993) 1A ELRNZ 348</i>	Interpretation: n/a Resource: Land with high potential value for primary production Summary: Unsuccessful appeal seeking consent for subdivision of rural land, declined on the basis that it would not sustain the potential of the land to meet the reasonably foreseeable needs of future generations for food production.
<i>Royal Forest & Bird Protection Society of New Zealand v Manawatu-Wanganui Regional Council [1996] NZRMA 241</i>	Interpretation: “It is reasonably foreseeable that future generations will need the same natural and physical resources as are available to this generation” (p. 31). Resource: Healthy Indigenous forest Summary: Successful appeal against a consent for logging Indigenous forest, the decision is that controlling logging is necessary to sustain the resource to meet the reasonably foreseeable needs of future generations.
<i>St Columba’s Environmental House Group v Hawkes Bay Regional Council [1994] NZRMA 560</i>	Interpretation: Qualified “needs” with development and environment, but this was found to be an unnecessary restriction on section 5 of the RMA and that needs may be understood more broadly. Resource: Not specifically identified Summary: Unsuccessful appeal to reverse the deletion of certain principles in the Hawkes Bay regional policy statement. Held on the basis that proposed principles were confusing and conflicted with the RMA.
<i>St Lukes Group v The Auckland City Council [2001] ELHNZ 512</i>	Interpretation: n/a Resource: Not specifically identified Summary: Private plan change for business-zoned land allowed. Made a sweeping statement that “the proposal would sustain the potential of the resources of the subject land... to meet reasonably foreseeable needs of future generations” (para 417).
<i>Thorn v Grey District Council [1993] ELHNZ 267</i>	Interpretation: n/a Resource: Land Summary: Unsuccessful appeal against refusal to grant consent to a rural subdivision because it would fragment land thus being contrary to sustaining the potential of the land resources to meet the reasonably foreseeable needs of future generations.
<i>Trio Holdings v Marlborough District Council [1997] NZRMA 97</i>	Interpretation: n/a Resource: Marine resources and natural character of the coastal area Summary: Appeals allowed in part, declined mussel farming but allowed sponge farming except for one site based on the recognition that the amenity and intrinsic values of the coastal environment are the heritage of future generations and the need to sustain marine resources for the reasonably foreseeable needs of future generations.
<i>Whistler v Rodney District Council [2002] ELHNZ 497</i>	Interpretation: n/a Resource: Versatile soils Summary: Successful appeal against refusal to grant a subdivision consent for a rural property, distinguished from other cases that prevented subdivision in order to retain the potential of soils to meet the reasonably foreseeable needs of future generations for several reasons.