



# *Peace Movement Aotearoa*

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## **NGO Submission on Draft General Comment No. 26 on Children's Rights and the Environment with a Special Focus on Climate Change**

15 February 2023

### **Introduction**

1. Peace Movement Aotearoa is the national networking peace organisation, registered as an incorporated society in 1982. Our purpose is networking, research, and providing information, analysis and resources on peace, humanitarian disarmament, social justice and human rights issues.

2. Promoting the realisation of human rights is an essential aspect of our work because of the crucial role this has in creating and maintaining peaceful societies. We have previously provided NGO information to human rights treaty monitoring bodies, and to Special Procedures and mechanisms of the Human Rights Council (as listed below<sup>1</sup>), on a range of human rights and humanitarian disarmament issues.

3. While children's rights generally are not a specific focus of our work, the links between international human rights, humanitarian and disarmament law are; and the impact of militarisation and armed conflict on children - at the global and domestic levels - is a key concern for Peace Movement Aotearoa, our members and supporters.

4. We appreciate this opportunity to provide input on Draft General Comment No. 26 (draft GC) for consideration by the Committee on the Rights of the Child (the Committee).

5. Due to time constraints, our submission is in the form of brief comments on an issue that is not currently included in the draft GC - the impact of armed conflict and military activities on children's rights and the environment, and on climate change. From our experience, the multiple negative impacts of armed conflict and military activities on children, or on the environment, or its contribution to climate change, are seldom considered by state parties to the Convention on the Rights of the Child (the Convention). It is therefore essential to include references to these issues in the draft GC to increase recognition of this major threat to children's right to a clean, healthy, and sustainable environment, and to encourage state parties to act to reduce these negative impacts.

6. Our comments below are arranged into four sections:

- A.** Armed conflict, children's rights and the environment
- B.** Military activities, children's rights and the environment
- C.** Militarisation and climate change
- D.** Recommendations

## **A. Armed conflict, children's rights and the environment**

7. Our comments below relate particularly to the summary at Para 8 of the draft GC:

*“A clean, healthy and sustainable environment is necessary for the full enjoyment of a broad range of children's rights, including to life, survival and development, health, education, adequate standard of living, housing, food, water and sanitation, rest, play, leisure and cultural life, enjoyment of their own cultures, and protection from violence and exploitation. Conversely, environmental degradation adversely affects the enjoyment of these rights, in particular for specific groups of children including children with disabilities, Indigenous children, and children working in hazardous conditions. The exercise of children's rights to freedom of expression and association, to information and education, to be heard and to effective remedies can result in more rights-compliant, and therefore more ambitious and effective, environmental policies. In this way, child rights and environmental protection form a virtuous circle.”*

8. Armed conflict negatively impacts on children's enjoyment of all of the rights articulated in the Convention. The Committee is well aware of the horrific effects of armed conflict on children - whether through direct physical harm and psychological trauma, or through the destruction of essential infrastructure and public services, devastation and hazardous contamination of the environment, and displacement of communities within states and across borders - through its monitoring of state parties' compliance with the Convention and the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC), in particular.

9. As such, the Committee is well placed to provide guidance to state parties about the negative impact of armed conflict on children in relation to the environment in the draft GC - clearly it is simply not possible to realise children's right to a clean, healthy and sustainable environment in times of armed conflict.

10. In addition to the devastation of the environment during armed conflict, the harmful negative impact may continue long after the conflict has ended because explosive and toxic remnants of war may impact on children for generations to come. Unexploded ordnance will continue to cause physical injury and psychological trauma for children who are injured or maimed as they go about their daily lives. Children will continue to be harmed by the lingering effects of toxic remnants of war such as chemicals from bombed factories or the use of chemical weapons, fuel spills, burning fuel depots and storage areas, hazardous industrial waste, radioactive contamination from bombed nuclear facilities, and so on. Furthermore, ongoing contamination of water sources, and lack of sanitation and medical facilities will harm children's health and wellbeing; while lack of other essential public services will impact on multiple areas of their lives.

## **B. Military activities, children's rights and the environment**

11. While the negative impacts of armed conflict on the environment, and thus on children's rights, are obvious, military activities at other times have a similar negative impact - although this is seldom acknowledged.

12. **Military training:** Day to day military training also involves extensive live firing of the full range of land, sea, under-sea and air-based weapons and weapons systems, and together with the operation of military vehicles, vessels and aircraft on land, in marine and coastal environments, in the air and in space, causes widespread - and in some cases permanent - damage to the environment, pollution and toxic contamination of ecosystems, and increases the risk of life-threatening hazards

such as unexploded ordnance. Testing of a range of weapons systems, including nuclear weapons, is a further cause of long lasting environmental contamination and harm to human health.

13. Military bases are an additional source of environmental contamination from toxic chemicals, such as per- and poly-fluoroalkyl substances (PFAS) and a variety of fuel types, as well as heavy metals, such as lead. Concerns have been expressed around the world about the impact of fuel leaks, PFAS and other chemicals, on communities living near military bases due to contamination of drinking water sources and local food production - concerns that have been exacerbated because armed forces often conceal or lie about any contamination they have caused.<sup>2</sup>

14. Toxic chemical and heavy metal contamination has a particular impact on children's physical and mental development, and is clearly not conducive to realisation of the right to a clean, healthy and sustainable environment.

15. **Military spending:** Excessive military expenditure is a further issue relevant to the draft GC. In 2021, global military expenditure was estimated to be \$2,113 billion (USD)<sup>3</sup>, in large part the result of states maintaining armed forces in a state of combat readiness, regardless of whether they are deployed or not.

16. Military spending has a harmful impact on children generally by diverting resources away from essential public services; and on the environment by diverting resources away from environmental protection, remediation of contaminated areas, sustainability initiatives, and so on. Military spending can therefore also be seen to negatively impact on the realisation of children's right to a clean, healthy and sustainable environment.

### **C. Militarisation and climate change**

17. Globally, armed forces are a major contributor to climate change in two main ways. Firstly, armed forces are a massive consumer of non-renewable resources - including fossil fuels used by military vehicles, vessels, aircraft and spacecraft - and a major source of greenhouse gas emissions. A recent study estimated that the total military carbon footprint is approximately 5.5% of global emissions - a level exceeded only by three states: China, USA and India.<sup>4</sup>

18. Secondly, the excessive amount of global military expenditure and levels of military research and development, divert financial and human resources away from the development of sustainable energy sources and other initiatives to slow the pace, and reduce the impact, of climate change.

### **D. Recommendations**

19. This draft General Comment is an opportunity for the Committee to bring the negative impact of armed conflict, military activities, including military spending and the contribution of militarisation to climate change, on the enjoyment of children's right to a clean, healthy and sustainable environment to the attention of state parties to the Convention.

20. In the light of our comments above, we recommend the draft GC refers to the negative impact of armed conflict, military activities, including military spending and the contribution of militarisation to climate change, on the enjoyment of children's right to a clean, healthy and sustainable environment.

21. In addition, the draft GC is an opportunity to remind state parties of their obligations to:

- protect children from the multiple negative impacts of armed conflict on the environment, and more generally on all children's rights, including their obligations to protect children in times of armed conflict under the 1949 Geneva Conventions and Additional Protocols of 1977 (a reference to the 2015 Safe Schools Declaration<sup>5</sup> and the 2022 Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas<sup>6</sup> would also be useful in this regard);
- ensure there are no negative impacts on the environment from any military activity that may affect children - including military training and the operation of military bases; and
- ensure military spending does not negatively impact on children's right to a clean, healthy and sustainable environment, or on measures to ensure children are not negatively impacted by climate change - these should be included as specific measurements in child rights impact assessments on all public spending.

22. Thank you for your consideration of our submission.

## References

<sup>1</sup> For example, to the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People in 2005; to the Committee on the Elimination of Racial Discrimination in 2007, 2013 and 2017; to the Human Rights Committee in 2009, 2010, 2014 and 2016; to the Committee on the Rights of the Child in 2010, 2011, 2016, 2020 and 2022; to the Committee on Economic, Social and Cultural Rights in 2011, 2012, 2016 and 2018; to the Committee Against Torture in 2015; to the Human Rights Committee for the General Discussion on Article 6 of the International Covenant on Civil and Political Rights in 2015 and 2017; to the Committee on the Rights of the Child on the Draft General Comment on Article 4 of the Convention (Public Spending) in 2015; and jointly with the Aotearoa Indigenous Rights Trust and others, to the Human Rights Council for the Universal Periodic Review of New Zealand in 2008, 2009 and 2014

<sup>2</sup> In New Zealand for example, the NZDF concealed excessive PFAS levels in drinking water surrounding military bases for several years, see, for example 'Toxic foam: Discrepancy in Defence Force reports', 28 May 2018, <https://www.rnz.co.nz/news/national/358350/toxic-foam-discrepancy-in-defence-force-reports> and 'Toxic firefighting foam: New water supply for Ōhakea opens', 17 August 2022,

<https://www.rnz.co.nz/news/national/473044/toxic-firefighting-foam-new-water-supply-for-ohakea-opens> Information about other contamination around military bases is available in, for example, 'Defence Force hazardous substances audit stalled for years after law changes', 3 August 2021,

<https://www.rnz.co.nz/news/national/448341/defence-force-hazardous-substances-audit-stalled-for-years-after-law-changes> and 'Defence Force contaminates Waiouru site with heavy metals', 11 June 2021,

<https://www.rnz.co.nz/news/national/444489/defence-force-contaminates-waiouru-site-with-heavy-metals>

<sup>3</sup> Factsheet: Trends in World Military Expenditure 2021, Stockholm International Peace Research Institute, April 2022

<sup>4</sup> Estimating the military's global greenhouse gas emissions, Conflict and Environment Observatory, November 2022, <https://ceobs.org/estimating-the-militarys-global-greenhouse-gas-emissions>

<sup>5</sup> The inter-governmental political commitment to protect students, teachers, schools, and universities from the worst effects of armed conflict, which has been endorsed by 116 states, <https://ssd.protectingeducation.org/safe-schools-declaration-and-guidelines-on-military-use/>

<sup>6</sup> Endorsed by 83 states in November 2022, <https://www.dfa.ie/our-role/policies/international-priorities/peace-and-security/ewipa-consultations/#collapse00>