

Office of the High Commissioner for Human Rights

Palais Wilson, 52 Rue de Paquis, CH-1201 Geneva, Switzerland

RE: Universal Periodic Review of the Republic of Nauru, 2011.

Aiwo District Committee- single UPR submission,

Nauru – July 2010

I.SUMMARY

1. Aiwo District Committee (A.D.C) respectfully submits to the Human Rights Council the following information regarding human rights in Aiwo District the **Republic of Nauru** (hereafter Nauru) as a result of the phosphate industry and phosphate dust emission.
2. Via this submission, Aiwo District Committee seeks to contribute to the protection of the human rights, where environmental problems threaten the realization of a standard of living adequate for health and well being of all persons within the Aiwo Community
3. We seek to inform the Human Rights Council of the acute impacts that the phosphate industry run by RONPHOS a state entity is having on the human rights of the Aiwo citizens of Nauru.
4. Though the Aiwo citizens acknowledges the production of phosphate as “essential to the lifeline of Nauru,” economic factors have taken precedence over the fundamental human rights guaranteed under international law.**(The rights) to life, freedom and security, the right to an adequate standard of living, the right to clean safe water, freedom to seek, receive and impart information, freedom to assemble peacefully, the right to health, the right to a healthy environment** are a few of the rights that are continually being threatened.

II.BACKGROUND

6. Aiwo is one of the districts of Nauru- and has a population of 1051. (2006 Census statistics) The Aiwo District Committee is responsible for the districts welfare.
7. Nauru situated 41kms south of the equator in the South Pacific Ocean is a raised atoll with a land area of 21 square kms. The economy is based on the export of phosphate.
8. Since the start of phosphate mining in the early 2900’s Aiwo has been where the core production and export of phosphate processing has and still is taking place. In fact it contains

60% of the industry's operational space – the massive cantilever on the sea shore where phosphate is unloaded onto ships, the dilapidated calcination plant where the phosphate is processed and dried before it is exported, the run down and leaking chimney stacks that continually emits phosphate dust with a pollutant smell. 25% is surrendered land that harbors obsolete and derelict industrial plants, housing and equipment.

9. Aiwo accommodates Nauru's Reverse Osmosis water plant, the islands water supply storage bins, Nauru's Diesel Power Station and is also where human waste collected from septic tanks around the island is dumped.

10. Foremost it is home to over 1051 residents who have endured and sacrificed much over the decades in order for the country to benefit-phosphate being Nauru's Economic Lifeline.

11. Nauru ratified the Convention on the Rights of the Child in 1994. Human rights referred to in this document not related to that convention pertain to the 1948 Universal Declaration of Human Rights.

III.The Impacts of the phosphate Industry on Human Rights of Aiwo Community, Nauru.

12. Pollution - All forms of pollution-Environmental (air and surroundings) Sea and Coastal, Underground and Surface pollution are rife. The environmental contamination and degradation caused by the phosphate industry is a constant threat to the community's right to life, health, physical security and integrity.

13. **Phosphate Dust Emission** –Due to neglect and lack of maintenance over many years on the phosphate processing unit, the dust emission from the disrepaired chimney stock is the major cause of our problems.

14. In 2006 Nauru Government assured Aiwo Community that the installation of 2 new cyclones would reduce emission by 80-90%. We have experienced no change.

15. The people of Aiwo are enslaved by the dust. It indiscriminately affects the lives of all in the community.

- The air we breathe 24/7 is highly polluted and causing much health and social problems. There is forever a grayish hue over the district.
- Dust sprays homes, windows, cars, gardens, every surface in the homes, and outside, trees, driveways, food and fills the residents mouths, eyes, ears and lungs nonstop. Even

when people are sleeping the furnaces are on full blast. One wakes up finding a silhouette of their body shape in dust on their bedding.

- Clogging up of the house gutters, downpipes, and roadside drainage by the accumulation of phosphate residue.
- Two feet of sludge is found in all water storage tanks in Aiwo. Water in the tanks is mainly used for drinking and in food preparation. Rain water collected from roof tops is neither safe nor clean not only because most homes still have fibro roofing (asbestos) muddy water not clean water flows into the tanks. There too is the fear of cadmium contamination.
- Basic water testing kits provided by Live and Learn Environment Education were used to test some tank water within the district and most were found to be contaminated. Nauru Department of Health was requested to make thorough testing but there was no follow through.
- Because of the frequent shortage of water, brackish water wells are a necessity in the community. Water from wells is mainly for household purposes such as laundry, bathing and toilets. However because of the stench and contamination by oil and diesel of underground water source most homes in Aiwo are without. Thus the problem of poor hygiene and poor sanitation.

16. Health – Aiwo has the highest rate of lung/respiratory ailments, asthma and tuberculosis, trachoma and other eye diseases, skin diseases and a history of cancer victims.

- Aiwo District Committee over many years has voiced their concerns to the Nauru's Ministry of Health. Response was that life style and not the dust problem is the cause of the health problems within the community.

17. Other Issues

- Human waste dumped in the seas of Aiwo in close proximity of Reverse Osmosis water pipes.
- Aiwo Sports Oval where the youth and children frequent are at most times under a cloud of dust as it is located only a few meters from the phosphate processing plant. In response to requests and pleas from the community to RONPHOS was a statement from the highest office on Nauru that at no cost must production be stopped.

- Peaceful marches and assembling of community members in protest against environmental pollution resulted in a Bill passed by Parliament of Nauru fining any persons disrupting work of any government owned entities the amount of \$20,000.00 or 10 years imprisonment.
- The Nauru Police Department is unable to assist with complaints against the dust emission as orders were issued them not to attend to matters regarding the industry. Who then should serve and protect Aiwo Community members.
- Decrepit and disused phosphate processing installations and structures on land and on the reef should be removed not only for safety reasons but to make room for a growing population. The environmental effect being a dead and spoilt reef and land ecosystem. The right to food security is threatened.

18. UDHR Preamble “Whereas it is essential if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by rule of law”

- There are citizens of Aiwo now serving long terms in jail as they were compelled to resort to drastic actions. This was done out of desperation, frustration, and for the love and worry of their now fatherless children who were continuously sick with asthma and other respiratory ailments. Indeed a law was broken but where is the law that protects Aiwo Community. Where are our rights and who is there to support and back us?

iv. CONCLUSION AND RECOMMENDATIONS

19. Article 22 of the Universal Declaration of the Human Rights states that protection and realization of Human rights requires “national effort and international co-operation”

- A program should be set up that looks at reducing phosphate dust emission through new methods and technology consistent with international and conventional environmental measures.
- Assistance of international independent environmental agencies to undertake an environmental Impact Study of Dust pollution and other polluting bi-products of RONPHOS in Aiwo District Nauru

- International assistance in providing an independent medical authority to conduct a health survey in the district of Aiwo and to report findings and make recommendations where necessary to improve the health of the Aiwo community members.
- Introduction of an Environmental Protection Bill
- The people of Aiwo are the only residents on Nauru affected by the phosphate dust. There is a need to include 2 Aiwo community members independent of Government and RONPHOS Board to ensure and enable community awareness and participation.

20. Environmental protection is to be balanced against economic considerations. Health is a primary importance- the right to health to the environment is necessary to ensure that the right to life is fully enjoyed by the Aiwo Community.

21. The Nauru Government should not avoid its duty of protecting the rights of affected individuals. Realization of the right to life, physical security integrity are in one way or other related environment are independent upon ones physical environment.

22. The people of Aiwo for many years have fought, protested and disrupted work at RONPHOS with respect to phosphate dust pollution without receiving any concrete response or actions to remedy the problem. The Aiwo Community only asks that the Nauru government and other nations acknowledge and addresses Aiwo's issues.

Principle 1- Stockholm Declaration

“Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well being”.

Respectfully Submitted,

Aiwo District Committee.

Committee Members

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