

5 July 2010

Office of the High Commissioner for Human Rights  
Palais Wilson, 52 rue des Pâquis, CH-1201 Geneva, Switzerland

**Re: Universal Periodic Review of the Republic of Nauru, 2011  
Submission of Earthjustice, Nauru Island Association of NGOs, Human Rights  
Advocates, Many Strong Voices, Greenpeace International, IndyAct and 350.org.**

## **I. SUMMARY**

1. Recalling the UN General Assembly Resolution 60/251, adopted on 15 March 2006, the UN Human Rights Council Resolution 5/1, adopted on 18 June 2007, and the Decision 6/102, adopted on 27 September 2007, and in accordance with the Information Note for NGOs regarding the Universal Periodic Review mechanism (8 October 2007), Earthjustice et al. respectfully submits to the Human Rights Council the following information regarding human rights in the **Republic of Nauru** (hereafter Nauru) as a result of anthropogenic climate change for its universal review.
2. Via this submission, Earthjustice et al. seek to contribute to the protection of human rights in Nauru, where acute environmental problems related to the extreme vulnerability of this island nation to climate change threaten the realization of a standard of living adequate for the health and well-being of all persons. The changes in the physical environment causing these threats have been increasing in frequency and severity over the past several decades and are predicted to increase significantly by the end of the century.<sup>1</sup> This will undermine many human rights recognized under international law.
3. In January 2009, the UN Office of the High Commissioner for Human Rights published a report on climate change and human rights concluding that 1) climate change threatens the enjoyment of a broad array of human rights; 2) human rights obligations provide important protections to individuals who are affected by climate change; and 3) states have legal obligations to those whose rights are affected by climate change, and that those obligations extend extraterritorially.<sup>2</sup> We seek to inform the Human Rights Council of the acute impacts that climate change is having and will have on the human rights of all citizens of Nauru. We urge the Human Rights Council to adopt an outcome recognizing that Nauru cannot be considered as bearing the main responsibility for human rights threats suffered by citizens of Nauru due to climate change. Significantly increased international cooperation will be fundamental to help protect the human rights of the citizens of Nauru. The responsibility for adaptation to and mitigation of climate change in Nauru should be shared by major greenhouse gas emitting states, relative to their share of historic and current emissions.
4. In its Fourth Assessment Report, the Intergovernmental Panel on Climate Change predicts that anthropogenic climate change will have significant adverse effects not only on the natural environment,

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<sup>1</sup> IPCC Working Group I Report: *The Physical Science Basis: Summary for Policymakers* (2007), <http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-spm.pdf>.

<sup>2</sup> OHCHR, *Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship Between Climate Change and Human Rights*, U.N. Doc. A/HRC/10/61 (Jan. 15, 2009), <http://www2.ohchr.org/english/issues/climatechange/index.htm>.

but also on the human populations that inhabit that environment and rely on its processes and services.<sup>3</sup> In Nauru, climate change will:

- Threaten rights to **food security, health, means of subsistence, and the ability to maintain an adequate standard of living** by causing salinification of limited freshwater sources, sea level rise resulting in flooding and overwash during tide surges, and erosion of coastlines and low-lying areas;
- Jeopardize rights to **food security, health, and subsistence livelihoods** by damaging fisheries through sea level rise and increased sea temperature; and
- Endanger rights to **life, property, housing, self-determination, security of person, access to freshwater, sanitation, and a healthy environment** due to increased tropical storms, droughts, flooding, and spread of disease vectors with warmer air and water temperatures.

5. Increasing changes in the physical environment causing these threats will result in the direct threat to many of the human rights guaranteed by Nauru under international law, including: the right to **life**, the right to **security of person**, the right to **water**; the right to be **free from hunger**, the right to **means of subsistence**, the right to **sanitation**; the right to **health**, the right to **property**, the right to **housing**, the right to **self-determination**, the right to an **adequate standard of living**, and the right to a **healthy environment**.

## II. BACKGROUND

6. Nauru, situated 41 km south of the equator in the South Pacific Ocean, is a single coral-limestone island of 21 square km.<sup>4</sup> Inward from the coast lies a fertile ring varying in width from 100 to 300 meters of limited agricultural production capacity, which supports the majority of Nauru's approximately 10,065 person population and encircles a now nearly entirely depleted phosphate plateau.<sup>5</sup> Intensive phosphate mining over the course of the last century has rendered 90% of Nauru's central territory uninhabitable, and has thereby severely restricted the country's land resource base.<sup>6</sup> Exports of phosphates had traditionally been the main source of Nauru's revenue, but the depletion of phosphate deposits and the existence of few other resources have made Nauru almost totally dependent on food imports and foreign aid.<sup>7</sup> However, Nauru's open ocean areas enjoy an abundance of tuna and other pelagic species, which the state regards as a major economic prospect for its future as it continues to transition away from an economy dominated by phosphate exports.<sup>8</sup> Nauru is vulnerable to extremely variable rainfall, severe prolonged droughts, as well as storms.<sup>9</sup> Per capita GDP was less than \$4,000 per year in 2005, and 90% of the population was estimated to be unemployed in 2004.<sup>10</sup>

<sup>3</sup> IPCC Working Group II Report: *Impacts, Adaptations and Vulnerability* (2007), <http://www.ipcc.ch/ipccreports/ar4-wg2.htm>.

<sup>4</sup> Republic of Nauru Department of Economic Development and Environment, *First National Report to the United Nations Convention to Combat Desertification*, pp. 6-7 (April 2003), <http://www.unccd.int/cop/reports/asia/national/2002/nauru-eng.pdf>; Food and Agriculture Organization of the United Nations, *Fishery and Aquaculture Country Profiles, Nauru*, [http://www.fao.org/fishery/countrysector/FL-CP\\_NR/en](http://www.fao.org/fishery/countrysector/FL-CP_NR/en).

<sup>5</sup> Republic of Nauru Ministry of Finance, Bureau of Statistics, [http://www.spc.int/prism/country/nr/stats/CensusSurveys/censusurvey\\_index.htm](http://www.spc.int/prism/country/nr/stats/CensusSurveys/censusurvey_index.htm)

<sup>6</sup> CIA – The World Factbook, *Nauru*, <https://www.cia.gov/library/publications/the-world-factbook/geos/nr.html>.

<sup>7</sup> CIA – The World Factbook, *Nauru*, <https://www.cia.gov/library/publications/the-world-factbook/geos/nr.html>.

<sup>8</sup> Food and Agriculture Organization of the United Nations, *Fishery and Aquaculture Country Profiles, Nauru*, [http://www.fao.org/fishery/countrysector/FL-CP\\_NR/en](http://www.fao.org/fishery/countrysector/FL-CP_NR/en).

<sup>9</sup> Republic of Nauru Department of Economic Development and Environment, *First National Report to the United Nations Convention to Combat Desertification*, pp. 8-9 (April 2003), <http://www.unccd.int/cop/reports/asia/national/2002/nauru-eng.pdf>.

<sup>10</sup> Nauru Ministry of Finance, Bureau of Statistics, [http://www.spc.int/prism/country/nr/stats/Statistics/Economics/GDP/gdp\\_sum.htm](http://www.spc.int/prism/country/nr/stats/Statistics/Economics/GDP/gdp_sum.htm); CIA – The World Factbook, *Nauru*, <https://www.cia.gov/library/publications/the-world-factbook/geos/nr.html>.

7. Nauru has been party to the Convention on the Rights of the Child since 1994. Human rights referred to in this document that are not based on that convention find their source in the 1948 Universal Declaration of Human Rights.

### III. THE IMPACTS OF CLIMATE CHANGE ON HUMAN RIGHTS IN NAURU

8. While fishing has traditionally not represented a significant part of the Nauruan economy, it is playing an increasingly larger role as the development of Nauru's marine **fisheries** has been prioritized as a major economic prospect for the country's future growth.<sup>11</sup> The development and management of these fisheries are vital to reduce Nauru's dependence on expensive food imports that are subject to global food price shocks, as well as to help it attain a greater level of food security.<sup>12</sup> Nauruans favor fresh fish as a food product and now rely heavily on subsistence fishing: 66% of fish consumed by the population is caught by the household.<sup>13</sup> Fisheries in the South Pacific are predicted to be harmed by the effects of climate change, including sea temperature rise, increasing acidity, changing currents, and storm damage to coastal ecosystems.<sup>14</sup> As fish become less abundant and harder to catch around Nauru, citizens will have to reduce the amount of fish (and thus protein essential for good nutrition) in their diets or turn to far more expensive substitutes such as imported canned fish.<sup>15</sup> **Climate change threatens tuna and other pelagic fisheries, jeopardizing the rights of Nauruan citizens to be free from hunger, means of subsistence, an adequate standard of living, and the right to culture and traditional knowledge.**

9. Nauru suffers from **severe water shortages** due to highly variable annual rainfall and periods of drought that often last up to three or four years caused by the El Niño-Southern Oscillation.<sup>16</sup> The Buada Lagoon, located in the low-lying part of the island at an elevation of five meters above sea level, is Nauru's only surface freshwater source and susceptible to salt contamination from swells and surges that flood the low-lying coastal areas in the event of a cyclone.<sup>17</sup> Aside from the lagoon, the island's single significant permanent freshwater source is a freshwater lens that is frequently slightly brackish and depends on rainwater for replenishment; approximately one-third of this groundwater used by the majority of the population contains total dissolved solids in amounts exceeding the World Health Organization's recommended limit.<sup>18</sup> This groundwater is similarly vulnerable to salt contamination

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<sup>11</sup> Food and Agriculture Organization of the United Nations, *Fishery and Aquaculture Country Profiles, Nauru*, [http://www.fao.org/fishery/countrysector/FI-CP\\_NR/en](http://www.fao.org/fishery/countrysector/FI-CP_NR/en).

<sup>12</sup> Food and Agriculture Organization of the United Nations, *Fishery and Aquaculture Country Profiles, Nauru*, [http://www.fao.org/fishery/countrysector/FI-CP\\_NR/en](http://www.fao.org/fishery/countrysector/FI-CP_NR/en).

<sup>13</sup> Food and Agriculture Organization of the United Nations, *Fishery and Aquaculture Country Profiles, Nauru*, [http://www.fao.org/fishery/countrysector/FI-CP\\_NR/en](http://www.fao.org/fishery/countrysector/FI-CP_NR/en); Johann Bell et al., *Planning the Use of Fish for Food Security in the Pacific*, 33 *Marine Policy* 64, 66 (2008).

<sup>14</sup> Nobuo Mimura et al., *Small Islands. Climate Change 2007: Impacts, Adaptation and Vulnerability*. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, M.L. et al. Eds., Cambridge University Press, Cambridge, UK, 700 (2007).

<sup>15</sup> Johann Bell et al., *Planning the Use of Fish for Food Security in the Pacific*, 33 *Marine Policy* 64, 73 (2009).

<sup>16</sup> Republic of Nauru Department of Economic Development and Environment, *First National Report to the United Nations Convention to Combat Desertification*, pp. 8-9 (April 2003), <http://www.unccd.int/cop/reports/asia/national/2002/nauru-eng.pdf>.

<sup>17</sup> World Health Organization, *Surveillance of Drinking Water Quality in the Pacific Islands: Situation Analysis and Needs Assessment*, p. 34 (2004), <http://www.wpro.who.int/NR/rdonlyres/A363FA5A-E343-4DC9-90B2-108767433501/0/CompleteReport.pdf>; Republic of Nauru Department of Economic Development and Environment, *First National Report to the United Nations Convention to Combat Desertification*, p. 8 (April 2003), <http://www.unccd.int/cop/reports/asia/national/2002/nauru-eng.pdf>.

<sup>18</sup> World Health Organization, *Surveillance of Drinking Water Quality in the Pacific Islands: Situation Analysis and Needs Assessment*, p. 34 (2004), <http://www.wpro.who.int/NR/rdonlyres/A363FA5A-E343-4DC9-90B2-108767433501/0/CompleteReport.pdf>.

during storm surges and droughts.<sup>19</sup> **Climate change threatens Nauruan citizens' rights to water, health, and sanitation.**

10. Increased heat events around the world are linked to increased cardiovascular mortality, respiratory illnesses, altered transmission of infectious diseases, and malnutrition from crop failures.<sup>20</sup> **Climate change threatens Nauruan citizens' rights to health and a healthy environment.**

11. Tropical storms threaten the lives of Nauruan citizens during the rainy season from November to February each year.<sup>21</sup> Climate science indicates that high surface water temperatures intensify the destructive force of tropical storms.<sup>22</sup> Rising sea levels raise the baseline for storm surges during these events, increasing the risk of catastrophic loss of life and infrastructure on the shore. **Climate change threatens rights of Nauruan citizens to life, housing, property, and security of person.**

12. Although much of Nauru is a plateau of an elevation between 20 and 45 meters, almost all of it is uninhabitable due to past phosphate mining.<sup>23</sup> Consequently, **rising sea levels** pose a serious threat to the majority of Nauruans, who live in the low-lying coastal areas.<sup>24</sup> The right to land is the basis of a person's identity as a Nauruan, and this right is passed on from one generation to the next.<sup>25</sup> Loss of lands due to sea level rise, storm surges, and coastal erosion could potentially force thousands of Nauruan citizens to become climate migrants and to move to other countries.<sup>26</sup> Such involuntary relocation would result in the loss of Nauru's traditional cultural practices developed over the last 3,000 years and the potential loss of the Nauruan language, which is unique and does not resemble any other language found in the Pacific.<sup>27</sup> **Climate change threatens Nauruan citizens' rights to security of person, property, housing, culture, traditional knowledge, and self-determination.**

#### **IV. CONCLUSION AND RECOMMENDATIONS**

13. One of the most serious threats to the human rights of the people of Nauru is the vulnerability of their environment to the impacts of climate change. The threats confronting Nauru illustrate how the right to an ecologically healthy environment is fundamental to guaranteeing other rights, such as the rights to life, food, water, health, security, and a means of subsistence.<sup>28</sup>

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<sup>19</sup> Francis Hezel, *High Water in the Low Atolls*, Micronesian Counselor (2009), <http://www.micsem.org/pubs/counselor/frames/highwaterfr.htm>.

<sup>20</sup> Jonathan Patz et al., *Impact of Regional Climate Change on Human Health*, 438 *Nature* 310 (2005).

<sup>21</sup> World Health Organization, *Climate Change Country Profile: Nauru*, <http://www.wpro.who.int/NR/rdonlyres/BBD329DE-9E7B-4A1F-B907-6A6F72EE3ED0/0/NAURU.pdf>; CIA – The World Factbook, *Nauru*, <https://www.cia.gov/library/publications/the-world-factbook/geos/nr.html>.

<sup>22</sup> Pew Center on Global Climate Change, *Hurricanes and Global Warming*, <http://www.pewclimate.org/hurricanes.cfm#change>; World Health Organization, *Climate Change Country Profile: Nauru*, <http://www.wpro.who.int/NR/rdonlyres/BBD329DE-9E7B-4A1F-B907-6A6F72EE3ED0/0/NAURU.pdf>.

<sup>23</sup> World Health Organization, *Surveillance of Drinking Water Quality in the Pacific Islands: Situation Analysis and Needs Assessment*, p. 34 (2004), <http://www.wpro.who.int/NR/rdonlyres/A363FA5A-E343-4DC9-90B2-108767433501/0/CompleteReport.pdf>.

<sup>24</sup> World Health Organization, *Climate Change Country Profile: Nauru*, <http://www.wpro.who.int/NR/rdonlyres/BBD329DE-9E7B-4A1F-B907-6A6F72EE3ED0/0/NAURU.pdf>.

<sup>25</sup> *First National Report to the United Nations Convention to Combat Desertification*, p. 13 (April 2003), <http://www.unccd.int/cop/reports/asia/national/2002/nauru-eng.pdf>.

<sup>26</sup> U.N. Economic and Social Commission for Asia and the Pacific, *Ministerial Conference on the Environment and Development in Asia and the Pacific, Climate Change and the Pacific Islands* (2000), <http://www.unescap.org/mced2000/pacific/background/climate.htm>.

<sup>27</sup> *First National Report to the United Nations Convention to Combat Desertification*, p. 11 (April 2003), <http://www.unccd.int/cop/reports/asia/national/2002/nauru-eng.pdf>; CIA – The World Factbook, *Nauru*, <https://www.cia.gov/library/publications/the-world-factbook/geos/nr.html>.

<sup>28</sup> See, e.g., *Human Rights and the Environment: Final Report by Mrs. Fatma Zohra Ksentini, Special Rapporteur, U.N. ESCOR*, Hum. Rts. Comm., U.N. Doc. E/CN.4/Sub.2/1994/9 (1994).

14. The primary responsibility for the protection of human rights for the citizens of Nauru lies in the hands of the state. However, the causes and impacts of climate change on the human rights of Nauruan citizens also lies with states that are major emitters of greenhouse gases. Nauru is not a significant consumer of the fossil fuels that are the primary source of greenhouse gas emissions, and it is among those nations that emit the smallest amounts of greenhouse gases in the world.<sup>29</sup> The international community – and particularly those nations historically and currently responsible for the greatest portion of greenhouse gas emissions – has a responsibility to prevent climate change from undermining the human rights of citizens of Nauru and, where particular circumstances makes that not possible, to mitigate the harms and assist the victims.

15. We commend the government of Nauru for its National Sustainable Development Strategy which aims to supply fifty percent of the country's energy needs with renewable energy by 2015,<sup>30</sup> and for its leadership in advancing the adoption of the resolution on "Climate change and its possible security implications" by the United Nations General Assembly in 2009.<sup>31</sup> The government of the Nauru is also advocating at international fora for global reductions in emissions of greenhouse gas (GHG) and non-GHG climate pollutants so that global average surface temperature increase is limited to well below 1.5 degrees Celsius.<sup>32</sup>

16. Article 22 of the Universal Declaration of Human Rights underscores that protection of human rights requires "national effort and international co-operation." Every state has the obligation to do no harm either to its own citizens or to the citizens of another state. Earthjustice et al. therefore respectfully recommends that the Human Rights Council 1) recognize the responsibility of major greenhouse gas-emitting states for the human rights threats suffered by the people of Nauru, and 2) encourage the international community to take immediate action to decrease global greenhouse gas emissions and to assist the government of Nauru in its efforts to mitigate and adapt to the effects of climate change.

Respectfully Submitted,

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<sup>29</sup> U.S. Energy Information Administration, *Nauru Energy Profile*,

[http://www.eia.doe.gov/country/country\\_energy\\_data.cfm?fips=NR&Go=Go](http://www.eia.doe.gov/country/country_energy_data.cfm?fips=NR&Go=Go).

<sup>30</sup> Republic of Nauru, *National Sustainable Development Strategy (Revised 2009)*, <http://www.naurugov.nr/pages/NSDS.html>.

<sup>31</sup> United Nations General Assembly, *Climate change and its possible security implications*, A/63/L.8/Rev.1, 18 May 2009, <http://www.islandsfirst.org/updates/resolution.pdf>.

<sup>32</sup> H.E. Marcus Stephen, President of the Republic of Nauru, *Statement Before the Joint High Level Segment of the 15<sup>th</sup> COP and 5<sup>th</sup> CMP of the UNFCCC*, December 2009.