



**EARTHJUSTICE**

*Because the earth needs a good lawyer*

3 November 2008

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 Vanuatu, March 2009  
Submission of Earthjustice**

**I. SUMMARY**

1. Earthjustice respectfully submits to the Human Rights Council information regarding human rights violations in the Republic of Vanuatu (hereafter Vanuatu) as a result of anthropogenic climate change. Via this submission, Earthjustice seeks to inform the Council of the acute impacts that climate change is having and will have on the human rights of the people of Vanuatu. We recommend that the Office of the High Commissioner for Human Rights include this information in its summary of stakeholders' information, and urge the Human Rights Council to adopt an outcome recognizing the responsibility of major greenhouse gas-emitting states for human rights violations suffered by the indigenous people of Vanuatu (called ni-Vanuatu) due to climate change.

2. 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, but also on the human populations that inhabit that environment and rely on its processes and services.<sup>1</sup> In Vanuatu, climate change will:

- Threaten the **physical security** and **health** of coastal communities with increased temperatures, sea level rise and increasingly severe storms and cyclones, resulting in tidal surges, lowland flooding, beach and mangrove erosion, and the spread of vector-borne diseases;
- Endanger ni-Vanuatu culture by forcing people to **seek refuge** in more environmentally secure nations, where they will no longer be able to continue traditional customs and practices;
- Threaten ni-Vanuatu **access to freshwater** by increasing extremes of temperature and precipitation, increasing instances of drought, and by causing salt-water intrusion into groundwater due to lowland flooding and coastal erosion; and
- Jeopardize **food security** by impeding the agricultural capacity of the islands and damaging ocean ecosystems such as reef fisheries on which ni-Vanuatu rely for food.

3. Communities on the smaller and low-lying atoll islands of Vanuatu are critically vulnerable to the impacts of climate change, which include biodiversity loss, coastal flooding, decrease in crop yield, damage to human settlements, decline in fishery, livestock and poultry productivity,

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<sup>1</sup> IPCC Working Group II Report: *Impacts, Adaptation, and Vulnerability* (2007).

drought, water shortages, and the spread of vector-borne diseases, including malaria. 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>2</sup>

4. These impacts threaten many of the human rights guaranteed by Vanuatu under international law, including: the right to **life**, the right to **health**, the right to be **free from hunger**, the right to **water**, the right to a **healthy environment**, the right to an **adequate standard of living**, the right to a **means of subsistence**, the right to **property**, the right to **adequate housing**, the right to **culture** and **traditional knowledge**, and the rights of **indigenous peoples**.

## **II. BACKGROUND**

5. The archipelago of Vanuatu in the southwest Pacific Ocean includes 82 islands of volcanic and coral origin, 65 of which are inhabited. Tropical cyclones occur between January and April, and droughts occur between June and November. Vanuatu has a land base of 4,700 square kilometers, only 1.64% of which is arable. Most islands have low-lying coral terraces as well as steep volcanic slopes, unstable soils, and little permanent freshwater. Landslides are common and threaten subsistence farms. High-grade logging has degraded forests. Infrastructure for land transportation is extremely limited.

6. The population of Vanuatu, about 226,000 with 2.8% annual growth, is 94% indigenous Melanesians with over 110 distinct ethnic languages, each spoken by an average of only 1400 people. Over 78% of the population lives in isolated, rural areas, where they are dependent upon subsistence economies of agriculture (80% of households) and fishing (35 to 90% of households).<sup>3</sup> Half the rural population lives and gardens on low-lying coastal terraces.<sup>4</sup> Most of the population does not have a reliable source of potable water. Vanuatu is on the UN list of Least Developed Countries, and ranked 118 out of 177 countries in 2005. Emissions of global warming pollutants in Vanuatu is only 0.4 metric tons of CO<sub>2</sub> equivalent per capita, compared to 20.6 metric tons per capita for the United States.

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

### **Climate change-related storms, tidal surges and changes in sea-level threaten ni-Vanuatu physical security and health.**

7. According to the IPCC, “Small Islands...have characteristics which make them especially vulnerable to the effects of climate change, sea-level rise and extreme events. Sea-level rise is expected to exacerbate inundation, storm surges, erosion and other coastal hazards, thus threatening vital infrastructure and facilities that support the livelihoods of island communities.”<sup>5</sup> Sea-level rise, caused by thermal expansion of sea waters as well as melting glaciers, ice caps,

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<sup>2</sup> IPCC Working Group I Report: *The Physical Science Basis: Summary for Policymakers* (2007).

<sup>3</sup> UN FAO Fisheries and Agriculture Department, *Fishery and Aquaculture Country Profile: Vanuatu*; see also US Peace Corps, *The Peace Corps welcomes you to Vanuatu* (May 2007).

<sup>4</sup> Brian Phillips, *Vanuatu Vulnerability Assessment: An Approach to Integrated Regional Assessment*, University of Middlesex, London (2001).

<sup>5</sup> IPCC 2007, *supra* note 1.

and ice sheets, is potentially the most cataclysmic long-term impact of climate change facing Vanuatu and many other small island nations. Even if greenhouse gas concentrations were to be stabilized, anthropogenic warming and sea-level rise are predicted to continue for centuries due to the timescales associated with climate processes and feedbacks.<sup>6</sup> Sea level rise already affects coastal communities, especially those on islands subsiding due to plate tectonics. The IPCC predicts sea level rise in Vanuatu to be 0.50 to 0.94 meters by 2100,<sup>7</sup> with greater sea level rise in the southern Pacific than the world average of 0.35m by 2100.<sup>8</sup> Rising sea levels threaten to inundate and erode coastal plains, where over 88,000 ni-Vanuatu live.

8. On average, one to three cyclones hit Vanuatu each year, causing widespread damage to infrastructure as well as social and economic dislocation.<sup>9</sup> According to the IPCC, the largest increase in storms and cyclones since 1970 occurred in the southwest Pacific Ocean.<sup>10</sup> The intensity of storms and cyclones is projected to increase further due to climate change.<sup>11</sup> Flooding from cyclones and storms are also associated with the spread of vector-borne diseases, including malaria and diarrheal illnesses.

9. Shoreline erosion increases susceptibility to floods during storms and tide surges and negatively impacts tourism, an important sector of Vanuatu's economy. As shorelines recede, the overall land area of Vanuatu is reduced, squeezing the population, agriculture, and infrastructure into smaller areas. Ultimately, fewer ni-Vanuatu will be able to live on the islands and territories of their cultural origin, or maintain their customs, culture and language. In response to increasing coastal erosion, floods and cyclone damage, coastal villages have already begun moving inland, beginning with the Lateu settlement on Tegua island in 2005, encouraged by the government.<sup>12</sup>

10. Without habitable coastal lowlands, the lives and livelihoods of tens of thousands of ni-Vanuatu will be adversely affected. As their lands become submerged, eroded or unproductive, many ni-Vanuatu will have no choice but to emigrate.<sup>13</sup> It is essential that the international community take seriously the responsibility to prevent such human rights violations from occurring.

*11. The physical destruction of land and property in Vanuatu due to sea-level rise, climate-related storm events, and increased shoreline erosion violates ni-Vanuatu human rights to life, food, health, property, culture and traditional knowledge, the rights of indigenous peoples; and the rights to a means of subsistence, an adequate standard of living, and a healthy environment.*

**Climate change threatens ni-Vanuatu access to freshwater for consumption and sanitation.**

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<sup>6</sup> IPCC 2007 *supra* note 1, at 16.

<sup>7</sup> *Id.*

<sup>8</sup> IPCC AR4, Working Group I Report: *Regional Climate Projections* (2007) at 914.

<sup>9</sup> United Nations International Human Rights Instruments, Core Document forming part of the reports of state parties: Vanuatu (2008).

<sup>10</sup> IPCC 2007 Working Group I Report: *Observations: Surface and Atmospheric Climate Change* (2007) at 239.

<sup>11</sup> IPCC 2007 *supra* note 8, at 915.

<sup>12</sup> Alison Caldwell, *The World Today—Vanuatu village relocated due to rising sea level*, 6 December 2005.

<sup>13</sup> IPCC AF4 Working Group II (2007) (see *supra* note 1) predicts that 150 to 200 million people worldwide will be displaced by climate change by the year 2050.

12. More severe droughts predicted for parts of the south Pacific, including Vanuatu<sup>14</sup> could devastate island economies, public health, and environmental goods and services. Surface air temperatures in the south Pacific are predicted to increase by 2.5°C by 2100, which will exacerbate drought and stress food crops.<sup>15</sup> Temperatures in Vanuatu specifically could increase between 1.5 to 4.5 °C by 2100.<sup>16</sup> Severe droughts will require emergency assistance to hard-hit islands including the Torres group, the Shepherds group, Pamma island and the Tafea outer islands.<sup>17</sup>

*13. The impacts of climate change on Vanuatu's freshwater resources violates ni-Vanuatu human rights to life, health, food, water, culture and traditional knowledge; the rights of indigenous peoples; and the rights to a means of subsistence, an adequate standard of living, and a healthy environment.*

### **Climate change jeopardizes Vanuatu's food security and traditional livelihoods.**

14. Cyclones, flooding, tidal surges, rising temperatures, drought, salinization of coastal soils, and salt-water intrusion into ground water all threaten subsistence agriculture in Vanuatu. Ni-Vanuatu can not afford to replace subsistence crops with imported food, and without subsistence crops, the nutrition, health, and standard of living of most ni-Vanuatu will worsen dramatically. Moreover, without traditional crops, ni-Vanuatu cannot practice or benefit from their traditional knowledge and culture.

15. Climate change threatens the integrity of the reefs and coastal ecosystems on which thousands of ni-Vanuatu depend. The IPCC predicts that climate change will have severe impacts on coral reefs and fisheries due to increasing carbon dioxide in the atmosphere, acidification of sea waters, rising sea temperatures and increasing intensity of storms.<sup>18</sup> Decline of coral communities will reduce the richness of fish species and will result in local extinctions and loss of species within key functional groups of fish.<sup>19</sup> Such changes impact the sustainability of reef fisheries on which ni-Vanuatu depend as a vital source of dietary protein.

*16. The destruction of subsistence agriculture and coral reef ecosystems essential to ni-Vanuatu livelihoods violates their rights to life, health, food, culture, traditional knowledge, and property, the rights of indigenous peoples, and the rights to a means of subsistence, an adequate standard of living, and a healthy environment.*

## **IV. CONCLUSION AND RECOMMENDATIONS**

17. A serious threat to the human rights of the people of Vanuatu is the environmental vulnerability of their small islands to the impacts of climate change. The plight of the ni-

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<sup>14</sup>IPCC 2007 *supra* note 2, at 16.

<sup>15</sup> *Id.*

<sup>16</sup> Phillips 2001 *supra* note 4.

<sup>17</sup> *Id.*

<sup>18</sup> IPCC Working Group II Report: *Impacts, Adaptation and Vulnerability; Cross-chapter case study: Impacts of Climate Change on Coral Reefs* (2007).

<sup>19</sup> *Id.*

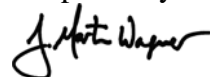
Vanuatu illustrates how fundamental the right to an ecologically sustainable environment is to guaranteeing other rights such as the right to life, food, health, water, and culture.<sup>20</sup>

18. Responsibility for human rights violations caused by climate change requires consideration not only of the actions of the Republic of Vanuatu, but also of other states that are major emitters of greenhouse gasses. The international community – particularly those nations historically and currently responsible for the greatest portion of greenhouse gas emissions – has a responsibility to prevent violation of the human rights of ni-Vanuatu, and, if violations occur, to mitigate the harms and assist the victims.

19. Earthjustice respectfully recommends that the Human Rights Council encourage the government of Vanuatu to increase efforts to provide citizens with information and education on the impacts of climate change, and to provide opportunities for public participation in decision-making concerning measures to mitigate and adapt to the harms that will result. Recognizing the role of other states in causing climate change, the government of Vanuatu must do all within its power to increase its mitigation and adaptation efforts to protect the right of the people of Vanuatu to a clean and ecologically sustainable environment.

20. 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 therefore respectfully recommends that the Human Rights Council 1) recognize the responsibility of major greenhouse gas emitting states for the human rights violations suffered by the people of Vanuatu, and 2) encourage the international community to take immediate action to decrease global greenhouse gas emissions, to assist the State of Vanuatu in its efforts to mitigate and adapt to the effects of climate change, and to collectively provide for or offset the costs of resettlement of ni-Vanuatu displaced by climate change on a basis proportional to their greenhouse gas emissions.

Respectfully Submitted,



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<sup>20</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).