

2 November 2009

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 Kiribati, 2010
Submission of Earthjustice**

I. INTRODUCTION

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 (October 8, 2007), Earthjustice respectfully submits to the Human Rights Council the following information regarding human rights in the Republic of Kiribati (hereafter Kiribati) as a result of anthropogenic climate change for its universal review.

2. Via this submission, Earthjustice seeks to contribute to the protection of human rights in Kiribati, where acute environmental problems related to the extreme vulnerability of these islands 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.¹ This will seriously undermine many human rights recognized under international law.

II. BACKGROUND

3. Kiribati has been a party to the Convention on the Rights of the Child since 1995 and to the Convention on the Elimination of All Forms of Discrimination against Women since 1999. Other categories of international human rights in this document are covered by the 1948 Universal Declaration of Human Rights (UDHR).

4. Kiribati is extremely vulnerable to climate change, climate variability and sea level rise. Each of the 33 atolls of Kiribati is less than 1,000 m in width (the average width is 450 m) and rarely surpasses 3 meters above sea level. Tarawi, which is home to half the national population, lies less than 3 meters above sea level.² Kiribati has long been considered at high risk for experiencing negative impacts of climate change. A 2000 World Bank study found that in the

¹ 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>.

² *The Kiribati Adaptation Program*, Presentation from CoP10 Buenos Aires. 11 Dec. 2004, p. 4, available at <http://www.iges.or.jp/jp/news/cop10/adaptation/kiribati.pdf> (last visited 10 June 2009).

absence of adaptation measures, sea level rise and storm surges caused or exacerbated by global warming could inundate 55-80% of North Tarawa and 25-54% of South Tarawa.³

5. The islands are also exposed to periodic storm surges and droughts, particularly during La Niña years. Kiribati is outside the cyclone belt but still receives heavy rains and strong winds, largely during the cyclone season from November to April. But rainfall patterns vary considerably from year to year, and drought is also a continual threat. A 2000 World Bank Regional Economic Report estimated that Kiribati could lose up to 34% of its 1998 GDP by 2050 due to climate change if no adaptation measures are undertaken.⁴

6. Over the past 20 years, Kiribati has experienced coastal erosion, sea level rise and more intense storm surges. In 1997, Kiritimati was devastated by an El Niño event that brought heavy rainfall and flooding, resulting in a half-meter rise in sea level. Roughly 40% of the islands' coral died during this storm. Also, while Kiribati was reputed to be among the world's richest countries in bird populations, 14 million birds have left the islands.⁵ Other extreme weather events have increased in intensity. Less than a week before the Kyoto Protocol went into effect, Kiribati was ravished by a "king tide," with waves reaching 2.87 meters (9.5 feet) that affected thousands of people, devastated some villages, swept farmland out to sea, and contaminated freshwater wells. Betio Hospital in the south of the island was flooded when waves breached sea defense walls.⁶ While it is impossible to say that these particular events were caused only by global warming, the best science predicts that global warming is already increasing the frequency and severity of events like this, and that such changes will continue to increase significantly by the end of the century.⁷

III. THE IMPACTS OF CLIMATE CHANGE ON HUMAN RIGHTS IN KIRIBATI

7. The IPCC Fourth Assessment Report supports the conclusion that climate change has contributed to – and will continue to contribute to – substantial impacts on islands like Kiribati:

There is strong evidence that under most climate change scenarios, water resources in small islands are likely to be seriously compromised (very high confidence). Most small islands have a limited water supply, and water resources in these islands are especially vulnerable to future changes and distribution of rainfall.... In the Pacific,

³ *Id.* at 5.

⁴ World Bank "Cities, Seas, and Storms: Managing Change in Pacific Island Economies" (2000); *see also* World Bank, *Press Release: International Coalition Tackles Impacts of Climate Change in Kiribati*, 18 July 2005, available at <http://go.worldbank.org/HOL3UA8ER0> (last visited 10 June 2009).

⁵ *Kiribati - Geography*. The Commonwealth, <http://www.thecommonwealth.org/YearbookInternal/139209/geography/>.

⁶ Greenpeace, *King Tide Pummels Kiribati*, 9 Feb. 2005, available at <http://www.greenpeace.org/international/news/king-tide-pummels-kiribati> (last visited 30 Oct. 2009).

⁷ *See* 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>.

a 10% reduction in average rainfall (by 2050) would lead to a 20% reduction in the size of the freshwater lens on Tarawa Atoll, Kiribati. Reduced rainfall coupled with sea-level rise would compound this threat. Many small islands have begun to invest in the implementation of adaptation strategies, including desalination, to offset current and projected water shortages.

Projected impacts of climate change include extended periods drought and, on the other hand, loss of soil fertility and degradation as a result of increased precipitation, both of which will negatively impact on agriculture and food security. In a study of the economic and social implications of climate change and variability for selected Pacific islands, the World Bank (2000) found that in the absence of adaptation, a ... group of low islands such as Tarawa, Kiribati, could face average annual damages of more than US\$8 million to 16 million/yr (equivalent to 17 to 18% of Kiribati's GDP in 1998) under the SRES A2 and B2 emissions scenarios.⁸

8. Drinking water has been contaminated by storm surges and sea level rise. Saltwater is contaminating underground freshwater supplies and affecting the roots of plants. Lack of adequate freshwater threatens access to water for consumption, sanitation, health, and an adequate standard of living. **Climate change threatens the people of Kiribati's rights to be free from hunger, to a means of subsistence, to an adequate standard of living, to water and to a healthy environment.**

9. The 1997/98 drought, associated with El Niño, had widespread impact and contributed to increased malnutrition and micronutrient deficiency in children and infants. In recent studies on the health impacts of climate change, an increase in the rates of diarrheal disease in Kiribati is expected, due to decreases in rainfall and increases in temperature. Similarly, outbreaks of dengue fever have become more common as vectors thrive in warmer, wetter rainy seasons.⁹ A Kiribati assessment quantified potential impacts of climate change on cases of ciguatera fish poisoning, dengue fever and diarrheal diseases. Kiribati has the highest rates of ciguatera in the Pacific. The study suggests that the effects of climate change will increase cases of ciguatera in Kiribati.¹⁰ **Climate change threatens the people of Kiribati's rights to sanitation and health.**

10. Kiribati President Tong said, "Time is running out." Some villages have already moved away from the shoreline, according to President Tong. He said, "Kiribati is made up of atolls, averaging two meters above sea level, so there is very little space where we can move to relocate."¹¹ Domestic migration and resettlement schemes have been common trends over the

⁸ IPCC Working Group II Report: *Impacts, Adaptations, and Vulnerability* (2007), <http://www.ipcc.ch/ipccreports/ar4-wg2.htm>.

⁹ Robert E. Shope, *Impacts of Global Climate Change on Human Health: Spread of Infectious Disease* (1992), <http://www.ciesin.columbia.edu/docs/001-367/001-367.html>.

¹⁰ McMichael, Anthony, *In Climate Change and Human Health: Risks and Responses*, World Health Organization (Geneva, 2003).

¹¹ Radio Australia, Fri. 25 Sept. 2009.

last several decades in many small islands in the Pacific and Indian Oceans. Both Kiribati and the Maldives have ongoing resettlement schemes.¹²

11. The Kiribati government is still seeking negotiations with the governments of Australia and New Zealand to eventually relocate Kiribati's population. President Tong is looking to purchase land in other countries to relocate communities that are in danger of displacement because of rising sea levels. Because of difficulties in negotiating land purchases, President Tong has started encouraging citizens to migrate now before they are forced to evacuate later. The initial target is for about 1,000 people annually to migrate to countries like Australia and New Zealand and be trained in skilled professions, with the hope that they will be leading the way for others in Kiribati to follow.¹³ **Climate change threatens the people of Kiribati's rights to shelter and culture.**

12. Not only are the people of Kiribati increasingly affected by global warming, they also have to face the possible disappearance of their land. Such a new and dramatic situation raises the issue of the global responsibility of the international community in stopping the causes of this environmental degradation and in helping the mitigation efforts on the island. The possible physical disappearance of the State of Kiribati raises also the issue of the collective responsibility in the future fate of the people of Kiribati.

IV. CONCLUSION AND RECOMMENDATIONS

13. One of the most serious threats to the human rights of the people of Kiribati is the vulnerability of their environment to the impacts of climate change. The threats confronting Kiribati illustrate how the right to an ecologically healthy environment is fundamental to guaranteeing other rights, such as the rights to life, food, water, health, and a means of subsistence.¹⁴

14. The primary responsibility for the impacts of climate change on the human rights of the people of Kiribati lies with states that are major emitters of greenhouse gases. 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 the people of Kiribati and, where that is not possible, to mitigate the harms and assist the victims.

15. Earthjustice respectfully recommends that the Human Rights Council encourage the government of Kiribati to continue to expand 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 Kiribati must

¹² IPCC Working Group I Report, *supra* note 7, at 708.

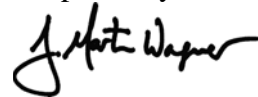
¹³ *Kiribati Seeks Relocation as Climate Change Sets In*, Solomon Times Online, 16 February 2009, available at <http://www.solomontimes.com/news.aspx?nwID=3584> (last visited 10 June 2009).

¹⁴ 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).

take serious steps to increase its adaptation efforts to protect the right of the people of Kiribati to a clean and ecologically sustainable environment.

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 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 Kiribati, and 2) encourage the international community to take immediate action to decrease global greenhouse gas emissions and to assist the government of Kiribati in its efforts to adapt to the effects of climate change.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Martin Wagner". The signature is fluid and cursive, with a large initial "M" and "W".

Martin Wagner
Managing Attorney
International Program