

1 November 2010

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

Re: Universal Periodic Review of Papua New Guinea, 2011
Submission of Earthjustice, Human Rights Advocates, 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 threats to human rights in Papua New Guinea (hereafter PNG) 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 PNG, 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. 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. 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 PNG. We urge the Human Rights Council to adopt an outcome recognizing that PNG cannot be considered as bearing the main responsibility for human rights threats suffered by citizens of PNG due to climate change. Significantly increased international cooperation will be fundamental to help protect the human rights of the citizens of PNG. The responsibility for adaptation to and mitigation of climate change in PNG 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, but also on the human populations that inhabit that environment and rely on its processes and services. In PNG, climate change will:

- Threaten rights to **food, health, means of subsistence**, and the **ability to maintain an adequate standard of living** by causing salinification of limited freshwater sources, worsened cyclones, sea level rise resulting in flooding and overwash during tide surges, and erosion of coastlines and low-lying areas;

- Jeopardize rights to **food, health, and subsistence livelihoods** by damaging fisheries through sea level rise, increased sea temperature, and exacerbated cyclones; and
- Endanger rights to **life, property, housing, self-determination, security of person, access to water, sanitation, and a healthy environment** due to increased cyclones, 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 PNG under international law, including: the right to **life**, the right to **security of person**, the right to **water**; the right to **food**, 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. Papua New Guinea is an island nation comprised of four large islands and roughly 600 smaller, mostly low-lying, islands in the southwestern Pacific Ocean. Of its more than 465,000 km² of land area, 20 percent is subject to inundation, and 17,000 km is coastline, including islands with high volcanic mountains and low lying coral atolls. PNG's terrain ranges from mountain glaciers to humid tropical rainforests, swampy wetlands to pristine coral reefs and is mostly rugged on the mainland. Agriculture and fisheries are key economic sectors, both of which are can be significantly impacted by climate perturbations. PNG has a population of 5,940,775 and a per capita GDP of just \$2300.

7. Papua New Guinea is party to the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. Human rights referred to in this document that are not based on those conventions find their source in the 1948 Universal Declaration of Human Rights.

III. THE IMPACTS OF CLIMATE CHANGE ON HUMAN RIGHTS IN PAPUA NEW GUINEA

8. In November 2000, the Government of PNG submitted its Initial National Communication (PNG NC) to the United Nations Framework Convention on Climate Change. The PNG NC highlights the gravity of the effects of climate change for citizens of PNG:

PNG is highly vulnerable to the impacts of climate change....The experiences we had during the 1997/98 prolonged drought has [sic] taught us a number of lessons, especially the vulnerability of our agricultural crops (both for food and cash), water resources and health related problems. Further, our fisheries resources, including the 2.4 million km² of the exclusive economic zone, although currently abundant and least less exploited, could prove susceptible to temperature and other changes. Already we are experiencing the increasing bleaching of our coral reefs as well as impacts of the rising sea levels.

9. **Agriculture** in PNG consists primarily of copra (dried coconut), coffee, cocoa, rubber and palm oil, as well as subsistence agriculture, based on root crops. It employs 85 percent of the labor force and accounts for 33.5 percent of PNG's GDP. Approximately 85 percent of households grow crops for subsistence as well as for commerce. As noted in the PNG NC, agriculture is particularly vulnerable to climatic change:

Agriculture production is very sensitive to climate and climate variability. Crop yields are

influenced by inter-annual variations in weather, nutrient status of soils and temperature. Climate change will affect soils primarily through changes in soil moisture, soil temperature and soil organic matter content.

Climate change threatens Papua New Guinean's rights to food, means of subsistence, and adequate standard of living.

10. **Fisheries** in the Pacific are predicted to be harmed by the effects of climate change, including sea temperature rise, increasing acidity, changing currents, and cyclone damage. As fish become harder to catch, citizens will have to reduce the amount of fish (and thus protein essential for good nutrition) in their diets, or turn to more expensive substitutes. Papua New Guineans consume 77 percent of their fish fresh, 87 percent in coastal areas. 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. Since early 2010, one of the worst mass coral bleaching events on record is threatening the health of the Coral Triangle, a vast marine region that includes PNG and is home to 76% of all known corals in the world. Rising sea surface temperatures trigger corals to eject their symbiotic algae in response to stress, resulting in coral bleaching, mass mortality of reefs, and loss of storm protection to coastlines and mangroves. According to the PNG NC:

The levels of fishing effort and fish behavior are directly affected by the weather and sea surface temperatures. However, the impacts will be complicated by the presence of anthropogenic factors. Climate change will have the greatest effect on fisheries that are already stressed, for example, through overexploitation and over capacity.

Climate change threatens reef and pelagic fish, as well as mangroves and corals—both of which are key habitat for fish populations—threatening Papua New Guineans' rights to food, right to a means of subsistence, right to an adequate standard of living, and right to a healthy environment.

11. Papua New Guinea suffers from **water shortages**, particularly during El Niño Southern Oscillation events. As noted in the PNG NC:

Vulnerability to water resources is induced by changes in climatic conditions such as increases in temperature, rises in sea level and depletion in carbon dioxide gas....These changes are likely to upset the overall normal water availability, water balance and hydrological cycle.

Although water is usually widely available, only 20% of the rural population has access to safe, treated water. Many communities rely on water supplies that are frequently contaminated by untreated wastewater, adversely affecting public health, sanitation, ecosystems, and the economy. More than 200 low-lying islands and coral atolls throughout PNG support communities who depend on groundwater for their supply of water for human consumption and for gardening. Rising sea levels and storm surges enable saltwater intrusion, which results in water shortages. Water shortages due to drought will reduce the amount of clean water available for public health as well as agriculture. **Climate change threatens Papua New Guineans' rights to water, health, and sanitation.**

12. Trends in **extreme temperature** across the South Pacific from 1961 to 2003 show increases in the annual number of hot days and warm nights, particularly following ENSO events. Increased heat events

around the world are linked to increased cardiovascular mortality, respiratory illnesses, malnutrition from crop failures, and altered transmission of infectious diseases. According to the World Health Organization, because of global warming, malaria-carrying mosquitoes are in the mountains of PNG, where they were never seen before. PNG's NC describes some of the impacts that have already been felt:

PNG has already been buffeted by extreme weather and climate events such as those brought about by the El Nino in 1997/98 with further changes in temperatures and sea level rise predicted over the next 100 years. These events will lead to inundation of low lying inland and coastal areas, including the atoll islands, bleaching and loss of coastal defences. Loss of wetlands, changes to the fisheries, forestry and agriculture sectors, alteration to water resources and land use practices and impacts on health, particularly vector borne diseases such as Malaria other related water and air borne disease are also expected.... [T]he 1978, 1981/1982 and 1997/1998 El Nino events significantly devastated the country's economy.

Climate change threatens Papua New Guinean citizens' rights to health and a healthy environment.

13. High surface water temperatures intensify the destructive force of **cyclones**. These storms threaten the lives of Papua New Guineans between December and April. Rising sea levels raise the baseline for storm surges, increasing the risk of catastrophic loss of life and infrastructure onshore and compromising the freshwater supply. According to the PNG NC:

The country is very vulnerable to the effects of climate change and natural and man made hazards, such as cyclones, storm surges, high abnormal sea tides, floods, fire, mining activities and droughts. These events are very much linked to the climate change impacts on the country and its people and are now being an area of priority for the government to address.

Climate change threatens rights of Papua New Guinean citizens to life, housing, property, and security of person.

14. **Rising sea levels** pose a serious threat to Papua New Guineans. The IPCC predicts that sea levels will rise by 0.41 meters, or as much as 0.78 meters before the end of the century if global fossil fuel use is not significantly reduced. This will exacerbate inundation, storm surges, erosion and other coastal hazards, threatening vital infrastructure and facilities that support island communities. As explained in the PNG NC:

PNG coastline, coastal villages and rural coastal population are vulnerable to sea level rise and other weather-related manifestations of climate change. The main impacts will be inundation of coastal wetlands and foreshore areas, bleaching of corals, which will weaken the coral reefs as barrier protection systems. Loss of wetlands, freshwater sources due to seawater intrusion, and lands may eventually lead to displacement of communities, resulting in aggravated [sic] future social problems.

...Approximately 4500 kilometers out of a total of 17100 kilometers of shoreline are expected to be moderately to severely inundated, affecting up to 30% of Papua New Guinea's population. In addition, there is a danger that some very low-lying islands, including barrier islands, will be completely submerged. Evidences of this are already

occurring, especially in the outer lying atoll islands of Mortlock, Tasman and the Duke of York Islands.

Climate change threatens Papua New Guineans' rights to security of person, property, housing, and self-determination.

IV. CONCLUSION AND RECOMMENDATIONS

15. One of the most serious threats to the human rights of the people of PNG is the vulnerability of their environment to the impacts of climate change. The threats confronting PNG 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.

16. The primary responsibility for the protection of human rights for the citizens of PNG lies in the hands of the state. However, the causes and impacts of climate change on the human rights of PNG citizens also lies with states that are major emitters of greenhouse gases. PNG 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. PNG is actively involved in international climate protection negotiations, including the Copenhagen Accord of 2009, and is working to implement adaptations to climate change. 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 PNG and, where particular circumstances makes that not possible, to mitigate the harms and assist the victims.

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

Respectfully Submitted,

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NOTE: A footnoted version is available at <http://www.earthjustice.org/humanrights>.