

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 Independent State of Samoa, 2011
Submission of Earthjustice, Human Rights Advocates, 350.org and Greenpeace
International**

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 Independent State of Samoa (hereinafter “Samoa”) 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 Samoa, 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 Samoa. We urge the Human Rights Council to adopt an outcome recognizing that Samoa cannot be considered as bearing the main responsibility for human rights threats suffered by citizens of Samoa due to climate change. Significantly increased international cooperation will be fundamental to help protect the human rights of the citizens of Samoa. The responsibility for adaptation to and mitigation of climate change in Samoa 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 Samoa, 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 tropical

storms and 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 from sea level rise, increased sea temperature, and exacerbated tropical storms and cyclones; and
- Endanger rights to **life, property, housing, self-determination, security of person, access to water, sanitation, and a healthy environment** due to increased tropical storms and 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 Samoa 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. Samoa is a small island nation in the southwestern Pacific Ocean with four inhabited and six uninhabited volcanic islands. It consists of 2,900 km² of land area with mountainous topography. The economy is based upon agriculture, tourism and fisheries, all of which rely on a healthy environment and stable climate. Samoa has a population of over 180,000 and a per capita GDP of \$5400.

7. Samoa is party to 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 SAMOA

8. In June 2010, the Government of Samoa submitted its Second National Communication (SNC) to the United Nations Framework Convention on Climate Change. The SNC highlights how all citizens of Samoa are highly vulnerable to the effects of climate change:

As part of the SNC project, Samoa has developed a Climate Risk Profile, (CRP) which includes an analysis of current and future climate risks for Samoa, based on historical climate data and outputs from global climate models. Significantly, the CRP *confirms anecdotal evidence that the effects of climate change are already being felt in Samoa*. Observed trends include: *increased maximum air temperatures, increased frequency in extreme daily rainfall events, sea-level rise of 5.2mm a year and maximum hourly sea level increasing at a rate of 8.2mm a year*.

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Best estimates of the long-term, systematic changes in the average climate for Samoa indicate that by 2050, *sea level is likely to have increased by 36cm, rainfall by 1.25%, extreme wind gusts by 7% and maximum temperatures by 0.7°C*. . . . such extreme rainfall can potentially cause dangerous flooding, as has recently been observed in parts of Samoa.

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Extreme high sea-surface temperatures, cyclones, as well as more frequent and longer lasting droughts are additional risks linked to climate change. In summary, the increased frequency and intensity of extreme climatic events is recognized as a key vulnerability issue for Samoa.

9. **Agriculture** in Samoa consists primarily of taro, coconuts, bananas and kava. It employs two-thirds of the labor force and supplies 90 percent of exports. Though only 21 percent of Samoa's land is arable, agricultural production accounts for 40 percent of Samoa's GDP, and over 70 percent of households grow crops for subsistence as well as for commerce. In the 1990s, cyclones Ofa and Val brought on a taro leaf blight that decimated taro production. According to Samoa's SNC, agriculture is particularly vulnerable to climatic change:

Crops can be damaged or destroyed by extreme climate conditions like drought and prolonged heavy rainfall, as well as by isolated extreme events, like cyclones and tropical storms. Climatic variations can also expose crops and livestock to more pests and diseases. These climate-related stresses cause farmers significant financial hardship and disrupt food supply for local and export markets.

The assessment conducted as part of the SNC project identified higher temperatures, changing rainfall conditions, heavier winds and sea-level rise as key challenges associated with climate change, which will increase the vulnerability of Samoa's agriculture sector.

Climate change threatens Samoan'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. 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. 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. Samoans favor fresh fish as a food product, with 74 percent of fish consumed fresh. Annual per capita fish consumption is over 87 kilograms per year. According to the SNC:

Fisheries are critical both for commercial purposes and the sustenance of the populace. According to the 2005 agricultural survey, a total of 5,060 households harvest fish: 77% of households consume all that they catch, 23% sell their surplus at market.

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The fisheries sector is not only a source of food for the local population - it injects considerable foreign revenue into Samoa's economy. Data collected by the Samoan fisheries department shows a strong correlation between sea-surface temperatures and stocks for pelagic species. Warmer sea-surface temperatures have been linked to lower catches per-unit effort. In recent years, higher sea-surface temperatures have damaged marine ecosystems, thus affecting near-shore fishing stocks. Coral bleaching has been of

particular concern, and increasingly heavy rainfall has boosted sedimentation levels in coastal waters, again affecting fishing stocks. Each of these climate-related risks is expected to worsen because of climate change.

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

11. **Tourism** is a major foreign exchange earner and employment provider, accounting for 25 percent of Samoa's GDP. Since 1994, tourism earnings have been the largest source of foreign exchange. By 2007, tourist arrivals numbered over 122,000 and earned the country US\$107million. Tourism also offers the greatest potential for foreign exchange and employment for local site operators, both in resorts and in related services. Tourism in Samoa is threatened by coral bleaching, cyclones, droughts, beach and coastal erosion, and infrastructure damage. **As climate change threatens Samoan tourism, it undermines Samoans' rights to an adequate standard of living.**

12. As 75 percent of annual precipitation falls between November and February, Samoa suffers from **water shortages** during the dry season months of years with El Niño Southern Oscillation (ENSO) events. Although water is usually widely available, only a small proportion of the population has access to safe, treated water. Many communities rely on private water supplies that are frequently contaminated by untreated wastewater, posing a threat to public health and sanitation. Some households remain dependent on rainwater and local wells and springs. Water shortages due to drought will reduce the amount of clean water available for public health as well as agriculture. **Climate change threatens Samoans' rights to water, health, and sanitation.**

13. 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. Since 2001, epidemics of dengue fever have become common during the rainy season. **Climate change threatens Samoan citizens' rights to health and a healthy environment.**

14. High surface water temperatures intensify the destructive force of **tropical storms and cyclones**. During the wet months of December through February, tropical cyclones threaten the lives of Samoans. Rising sea levels raise the baseline for storm surges, increasing the risk of catastrophic loss of life and infrastructure onshore. **Climate change threatens rights of Samoan citizens to life, housing, property, and security of person.**

15. **Rising sea levels** pose a serious threat to the majority of Samoans. The IPCC predicts that sea levels will rise an additional 0.23 to 0.47 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. Loss of lands due to sea level rise could also force many Samoan citizens to become climate migrants and to move to other countries. Such involuntary relocation would result in the loss of Samoa's traditional cultural practices developed over thousands of years. **Climate change threatens Samoans' rights to security of person, property, housing, culture, traditional knowledge, and self-determination.**

IV. CONCLUSION AND RECOMMENDATIONS

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

17. The primary responsibility for the protection of human rights for the citizens of Samoa lies in the hands of the state. However, the causes and impacts of climate change on the human rights of Samoan citizens also lies with states that are major emitters of greenhouse gases. Samoa 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. 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 Samoa 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 Samoa, and 2) encourage the international community to take immediate action to decrease global greenhouse gas emissions and to assist the government of Samoa in its efforts to mitigate and adapt to the effects of climate change.

Respectfully Submitted,

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NOTE: A fully referenced, footnoted version of this submission is available at <http://www.earthjustice.org/humanrights>