

12 April 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 the Maldives,
2010 Submission of Earthjustice, Pohnpei Women Advisory Council (Federated States
of Micronesia), Many Strong Voices, Human Rights Advocates and Greenpeace
International**

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 (October 8, 2007), Earthjustice, Pohnpei Women Advisory Council (Federated States of Micronesia), Many Strong Voices, Human Rights Advocates and Greenpeace International respectfully submit to the Human Rights Council the following information regarding human rights in the **Republic of the Maldives** (hereafter the Maldives) as a result of anthropogenic climate change for its universal review.
2. Via this submission, we seek to contribute to the protection of human rights in the Maldives, 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 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 the individuals who are affected by climate change; and 3) states have legal obligations to those whose rights are affected by climate change, and those obligations extend extraterritorially.² 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 the Maldives. We urge the Human Rights Council to adopt an outcome recognizing that the Maldives can not be considered as bearing the main responsibility for human rights threats suffered by citizens of the Maldives due to climate change. Significantly increased international cooperation will be fundamental to help protect the human rights of the citizens of the Maldives. The responsibility

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 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>.

for adaptation to and mitigation of climate change in the Maldives 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 (IPCC) 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.³ In the Maldives, climate change will:

- Threaten rights to **be free from hunger, health, means of subsistence and ability to maintain an adequate standard of living** by damaging **agriculture** through extreme high air temperatures, salinification of groundwater, extreme winds, extreme rainfall events, sea level rise resulting in flooding and overwash during tide surges, and erosion of coastlines, low-lying areas, and steep slopes;
- Jeopardize rights to be **free from hunger, to security, health, and subsistence livelihoods** by damaging **fisheries** through sea level rise, increased sea temperature, increased ocean acidification, and extreme winds; and
- Endanger rights to **life, property, housing, self-determination, security of person, access to freshwater, sanitation and a healthy environment** due to sea level rise, and increases in extreme rains, winds events, high air temperatures, and spread of disease vectors.

5. Increasing changes in the physical environment will result in effects that threaten many of the human rights guaranteed by the Maldives 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**.

BACKGROUND

6. The Maldives is an island nation in the central Indian Ocean with 200 inhabited and 1000 uninhabited coral atoll islands with a jurisdiction of roughly 900,000 square kilometers. Eighty percent of the nation is less than one meter above sea level and forty percent of the population of 300,000 live within 100 meters of the coastline.⁴ The Maldives' economy relies on tourism and fisheries.⁵ Per capita GDP was \$4200 per year in 2009; 14.4% of the population was unemployed in 2006.⁶

7. The Environmental Vulnerability Index of the South Pacific Applied Geoscience Commission and the United Nations Environment Programme lists the Maldives as Extremely Vulnerable due in part to climate change, flooding, water shortages, and threats to human health.⁷ The Republic of the Maldives' Climate Risk Profile of 2006 concluded that climate

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

⁴ John Knox, *Linking Human Rights and Climate Change at the United Nations*, 33 Harvard Environmental Law Review 477, 480 (2009).

⁵ CIA—The World Factbook, *Maldives*, <https://www.cia.gov/library/publications/the-world-factbook/geos/mv.html>.

⁶ *Id.*

⁷ Environmental Vulnerability Index, Maldives (2005), http://www.vulnerabilityindex.net/EVI_Country_Profiles.htm.

change will likely increase maximum hourly sea level rise rates, which are currently 100-year events, to annual events by 2050; drought frequency is predicted to be lower in the first half of the present century and higher in the second half; extreme rainfalls and winds will become roughly twice as common by 2050; and extreme temperatures of 33.5 degrees Celsius, currently 20-year events, will have a return period of three years by 2025.⁸

8. The Maldives is a party to seven human rights conventions and protocols.⁹ Human rights referred to in this document that are not based on these seven conventions find their source in the 1948 Universal Declaration of Human Rights (UDHR).

THE IMPACTS OF CLIMATE CHANGE ON HUMAN RIGHTS IN THE REPUBLIC OF THE MALDIVES

9. The **agricultural** sector in the Maldives is threatened by climate change that causes rising sea-levels, salinification of groundwater, extended droughts, flooding during rainy seasons, storm surges, and unusually high tides.¹⁰ Only 13% of the land area is arable and soils are poor.¹¹ During storm surges, saltwater intrudes into the freshwater lens of the islands.¹² Extreme rain and wind events are predicted to become more common in the first half of this century, while droughts will become more common in the second half,¹³ adversely affecting production of breadfruit, coconut, mango, taro, bananas and other fruits and vegetables.¹⁴ **As climate change threatens Maldivian agriculture, it undermines citizens' right to life, health, an adequate standard of living, right to be free from hunger, right to culture and traditional knowledge, and right to a means of subsistence.**

10. **Fisheries** are of high importance in the Maldives, providing the primary source of animal protein, 11 percent of the country's GDP, 20 percent of employment, and 74 percent of the country's export commodities.¹⁵ These fisheries are predicted to be harmed by the effects of climate change, including sea temperature rise, increasing acidity, changing currents, and typhoon damage to coral reefs and coastal ecosystems.¹⁶ **Climate change threatens reefs, pelagic and mangrove-based fisheries, jeopardizing rights of Maldivians to be free from hunger, to means of subsistence, an adequate standard of living, and right to culture and traditional knowledge.**

⁸ John Hay, *Climate Risk Profile for the Maldives*, Republic of the Maldives (2006), [http://www.ndmc.gov.mv/docs/Climate%20Risk%20Profile%20for%20the%20Maldives_Final%20Report%20\(2\).pdf](http://www.ndmc.gov.mv/docs/Climate%20Risk%20Profile%20for%20the%20Maldives_Final%20Report%20(2).pdf).

⁹ United Nations Office of the High Commission on Human Rights, *Report Status by Country*, <http://www.unhchr.ch/tbs/doc.nsf/NewhvVAllSPRByCountry?OpenView&Start=1&Count=250&Expand=109#109>.

¹⁰ 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, 687, 698 (2007), <http://unfccc.int/resource/docs/natc/marnc1.pdf>.

¹¹ CIA World Factbook, *supra* note 5.

¹² Hay 2006 *supra* note 8 at 4.

¹³ *Id.*

¹⁴ United States Library of Congress, *Country Studies, Maldives, Physical Environment, Physiography* (2004).

¹⁵ Food and Agriculture Organization of the United Nations, *Fisheries and Aquaculture Country Profiles, Maldives*, http://www.fao.org/fishery/countrysector/FI-CP_MV/en.

¹⁶ Mimura 2007 *supra* note 10 at 700; Food and Agriculture Organization of the United Nations, *Climate Change and Food Security in the Pacific* (2009), <ftp://ftp.fao.org/docrep/fao/012/i1262e/i1262e00.pdf>.

11. The Maldives have suffered acute water shortages in recent years,¹⁷ though there was considerable variability of drought occurrence between 1975 and 2005, with no obvious long term trend.¹⁸ When droughts occur, rainwater collected from roofs needs regular replenishment, as there is little storage capacity.¹⁹ Citizens also rely on groundwater, which is vulnerable to salt and pollution contamination during droughts and storm surges.²⁰ **Climate change threatens Maldivians' rights to water.**

12. Climate-related health issues of concern in the Maldives include gastroenteritis, typhoid, cholera, malaria, tuberculosis, filariasis, eye infections, and poliomyelitis.²¹ **Climate change threatens Maldivians' rights to sanitation, health, and a healthy environment.**

13. Tropical storms and extreme wind events threaten the lives of citizens of the Maldives.²² Climate science indicates that higher surface water temperatures intensify the destructive force of tropical storms.²³ **Climate change threatens rights of Maldivians to life, housing, property, and security of person.**

14. Loss of lands and land-based critical infrastructure due to sea level rise,²⁴ waves and coastal erosion is a serious concern to the Government of the Maldives.²⁵ The entire population of 400,000 may be forced to become climate migrants long before their islands are completely inundated.²⁶ **The loss of land due to the effects of climate change threatens citizens of the Maldives' rights to security, culture, traditional knowledge, property, housing, and self-determination.**

CONCLUSION AND RECOMMENDATIONS

15. One of the most serious threats to the human rights of the people of the Maldives is the vulnerability of their environment to the impacts of climate change. The threats confronting the Maldives illustrate how the right to an ecologically healthy environment is fundamental to

¹⁷ Ibrahim Mohamed, *Maldives: water shortage hits 12 islands, one family spending 85% of income on bottled water*, Minivan News (2009) <http://washasia.wordpress.com/2009/03/20/maldives-water-shortage-hits-12-islands-one-family-spending-85-of-income-on-bottled-water/>.

¹⁸ Hay 2006 *supra* note 8.

¹⁹ Fathimath Ghina, *Sustainable Development in Small Island Developing States: The Case of the Maldives*, 5 *Env., Dev. and Sust.* 139, 149 (2003).

²⁰ U.S. Library of Congress Country Studies, *Maldives, Physical Environment, Physiography*, (2004), <http://memory.loc.gov/frd/cs/mvtoc.html>.

²¹ U.S. Library of Congress Country Studies, *Maldives, Health, Health Conditions* (2004), <http://memory.loc.gov/frd/cs/mvtoc.html>.

²² Hay 2006 *supra* note 8; Ghina 2003 *supra* note 19; Knox 2009 *supra* note 4.

²³ Pew Center on Global Climate Change, *Hurricanes and Global Warming*, <http://www.pewclimate.org/hurricanes.cfm#change>.

²⁴ United Nations Environment Program, *Climate Change Science Compendium*, UNEP, (2009), http://www.unep.org/pdf/ccScienceCompendium2009/cc_ScienceCompendium2009_full_en.pdf. UNEP's 2009 review of new climate science warned that sea levels could plausibly rise by up to two meters by 2100, and five to ten times that over the following centuries. This estimate is almost four times higher than what the IPCC predicted in 2007, as it did not include an estimate of large-scale changes in ice-melt rates.

²⁵ Government of the Republic of the Maldives, Ministry of Housing, Transport, Tourism and Environment, *Climate Change and Maldives*,

http://www.environment.gov.mv/index.php?option=com_content&view=article&id=44&Itemid=58.

²⁶ *Id.*

guaranteeing other rights, such as the rights to life, food, water, health, security and a means of subsistence.²⁷

16. The Maldives is neither a significant user of the fossil fuels that are the primary source of greenhouse gas emissions, nor a great emitter of greenhouse gasses. The primary responsibility for the protection of human rights of the citizens of the Maldives lies in the hands of the state. However, the causes and impacts of climate change on the human rights of Maldivians also 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 citizens of the Maldives and, where particular circumstances make that not possible, to mitigate the harms and assist the victims.

17. We commend the government of the Maldives for its active role in the negotiations of United Nations Framework Convention on Climate Change, for urging the U.N. High Commissioner for Human Rights to review the examine the relationship between climate change and human rights, and a host of other actions, including the commitment of the Maldives to become a climate neutral nation by 2019.²⁸

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. We therefore respectfully recommend that the Human Rights Council 1) welcome the efforts of the Maldives to include the protection of human rights in its national policies to combat climate change; 2) recognize the responsibility of major greenhouse gas-emitting states for the human rights threats suffered by the people of the Maldives, and their responsibility in helping the Maldives protect the rights of its people threatened by climate change; and 3) encourage the international community to take immediate action to decrease global greenhouse gas emissions and to assist the government of the Maldives in its commendable efforts to mitigate and adapt to the effects of climate change.

Respectfully Submitted,

Earthjustice

Many Strong Voices

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²⁷ 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).

²⁸ United Nations Environment Programme, *Maldives Join the Climate Neutral Network with a Pledge to Become the World's First Carbon Neutral Nation* (2009),

<http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=585&ArticleID=6145&l=en>.