

1 September 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 the Fiji Islands, 2010
Submission of Earthjustice**

I. SUMMARY

1. Earthjustice respectfully submits to the Human Rights Council information regarding human rights violations in the Republic of the Fiji Islands (hereafter Fiji) as a result of anthropogenic climate change. Earthjustice seeks to inform the Council of the acute impacts that climate change is having and will have on the human rights of all Fijians. We respectfully encourage the Office of the High Commissioner for Human Rights to 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 Fijians 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.¹ In Fiji, climate change will:
 - Threaten Fijians' **means of subsistence and ability to maintain an adequate standard of living** by damaging the economic sectors of agriculture, fisheries and tourism due to higher sea-levels, increased sea temperature, extended droughts, and worsened flooding, erosion and tropical storms;
 - Jeopardize Fijians' **food security, subsistence livelihoods, and right to a healthy environment** by causing the death of coral reefs and mangrove forests (through sea level rise, increased sea temperature, and exacerbated cyclones); and
 - Endanger Fijians' **access to freshwater, sanitation and health** due to increased droughts, flooding, tropical storms, and spread of disease vectors with warmer air and water temperatures.
3. 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.² This will result in the direct violation of many of the human rights guaranteed by Fiji 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 a **healthy environment**, and the right to an **adequate standard of living**.

¹ IPCC Working Group II Report: *Impacts, Adaptations, and Vulnerability* (2007), <http://www.ipcc.ch/ipccreports/ar4-wg2.htm>.

² 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>.

II. BACKGROUND

4. Fiji is an island nation in the South Pacific Ocean that occupies an archipelago of about 322 islands, including low-lying atolls and elevated reefs. The largest islands have a diverse range of terrestrial ecosystems. Fiji's economy relies primarily on sugarcane, tourism, and fishing. Coastal ecosystems that support fisheries include mangroves, algae and sea-grass beds as well as coral reefs.

5. Over 90% of the population, both rural and urban, lives in coastal areas where the majority of services, infrastructure, agricultural production, and social centers are located.³ Of Fiji's total land area, only 16% is suitable for farming, mainly along coastal plains, river deltas and valleys of the two main islands.⁴ Agriculture provides 50% of the country's employment, contributes 19% to the country's GDP, and 43% of its foreign exchange earnings.⁵ Over 25% of the workforce is in the sugar sector,⁶ which represents 40% of Fiji's total merchandise exports and 12% of its Gross Domestic Product (GDP).⁷ Sugar sustains 23,000 smallholder farmers, many of whom live below the poverty line.⁸

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

6. Fiji's agricultural sector is threatened by climate change that causes rising sea-levels, extended droughts, flooding during rainy seasons and storms, and cyclones. In a study on the economic and social implications of climate change, the World Bank found that even a "high island" in Fiji such as Viti Levu could experience damages of US \$23 to \$52 million per year by 2050 — equivalent to two to three percent of Fiji's GDP in 1998.⁹ Coastline erosion in parts of Viti Levu (the most heavily populated island) has diminished an already scarce supply of arable land. Because the sugar industry is entirely rain-fed, almost half of Fiji's merchandise exports are highly vulnerable to fluctuations in precipitation patterns.¹⁰ In the last El Nino drought of 1997-98, sugar exports were severely affected.¹¹ Cyclones further threaten agriculture in Fiji. **As climate change threatens Fijian agriculture,¹² it undermines Fijians' rights to an adequate standard of living, right to be free from hunger, right to health, and right to a means of subsistence.**

7. Tourism, Fiji's most important emerging industry, is threatened by climate changes that worsen droughts and cyclones, erode beaches, and bleach corals. Tourism is the largest foreign exchange earner, provides employment directly and indirectly to an estimated 40,000 people (15% of the labor force), and contributes 17% of total production in the economy.¹³ **As climate change threatens Fijian tourism, it undermines Fijians' rights to an adequate standard of living.**

³ Pacific Islands Climate Change Assistance Program (PICCAP) & Fiji Country Team, *Fiji's Initial National Communication Under the Framework Convention on Climate Change* (2005), <http://unfccc.int/resource/docs/natc/fjinc1.pdf>.

⁴ *Id.*, at 8-9.

⁵ *Id.*

⁶ IPCC, *supra* note 1, at 695.

⁷ J.Gawander, *Impact of Climate Change on Sugar-cane Production in Fiji*, World Meteorological Organization (WMO) (2007), http://www.wmo.int/wcc3/bulletin/56_1_en/56_1_gawander_en.html.

⁸ *Id.*

⁹ IPCC, *supra* note 1, at 698.

¹⁰ Gawander, *supra* note 7.

¹¹ IPCC, *supra* note 1, at 697.

¹² Shardul Agrawala, et al., *Development and Climate Change in Fiji: Focus on Coastal Mangroves*, Organization for Economic Co-operation and Development (OECD) (2003), <http://www.oecd.org/dataoecd/46/58/21056315.pdf>.

¹³ PICCAP *supra* note 3, at 9.

8. Fisheries in Fiji are threatened by climate change-induced sea temperature rise, sea water acidity, cyclones, and sea level rise. Fishery products represent six percent of the value of all commodity exports from the country.¹⁴ When corals die they are unable to provide shelter to reef fishes. Rising sea surface temperatures have already led to vast coral bleaching (where corals eject their symbiotic algae in response to stress) and mass mortality of coral reefs. In 2000, 75% of coral to a depth of four meters was bleached around Viti Levu.¹⁵ Between 2000 and 2006, reefs around the Lau Islands had contracted by about 50%, and fishing had been reduced an average of 40%. As these changes make fish less abundant and harder to catch around Fiji, Fijians are reducing the amount of fish (and thus protein) in their diets, and turning to agriculture for food security.¹⁶ Coral reefs also create sheltered regions in which mangrove colonies can establish themselves. Without this protection, mangrove forests are threatened by increased exposure, and could follow coral reefs into local extinction. Loss of mangroves threatens Fijians' rights to health, food, shelter, and means of subsistence, as mangroves provide wood for local construction; support coral reefs by filtering fresh water discharges from land; prevent erosion and flooding from storm surges; and provide habitat for food sources such as fish, crustaceans, birds, honey bees, and medicinal plants. **Climate change threatens reefs, pelagic and mangrove-based fisheries, threatening Fijians' rights to be free from hunger, right to a means of subsistence, right to an adequate standard of living, and right to a healthy environment.**

9. Although Fiji historically has enjoyed a relative abundance of fresh water, climatic changes have contributed to acute water shortages in recent years.¹⁷ In 1997-98, Fiji suffered its worst drought on record,¹⁸ during which freshwater from wells decreased by 40%. The situation was exacerbated by Fiji's lack of adequate water infrastructure, such as reservoirs and an efficient water distribution network.¹⁹ Lack of adequate fresh water threatens Fijians' access to water for consumption, sanitation, health, and an adequate standard of living. **Climate change threatens Fijians' right to water.**

10. Diarrhoeal disease becomes increasingly common as more frequent droughts and tropical cyclones disrupt water supplies and sanitation systems.²⁰ Similarly, outbreaks of dengue fever have become more common as vectors thrive in warmer, wetter rainy seasons.²¹ In 1998, one such outbreak caused 13 deaths, affected 24,000 people, and cost the country US \$3-6 million.²² **Climate change threatens Fijians' rights to sanitation and health.**

11. Tropical storms and cyclones threaten the lives of Fijians from December through April each year. Climate science indicates that higher surface water temperatures intensify the destructive force of tropical storms.²³ This is of particular concern to Fijians, because the highest concentration of cyclones

¹⁴ Food and Agricultural Organization of the United Nations (FAO), *Fishery and Aquaculture Country Profiles: Fiji*, http://www.fao.org/fishery/countrysector/FI-CP_FJ/en.

¹⁵ Greenpeace, *Coral Bleaching: Pacific in Peril: Biological, economic and social impacts of climate change on Pacific Coral Reefs*, (2000), <http://www.greenpeace.org/australia/resources/reports/climate-change/coral-bleaching-pacific-in-pe>.

See also, Samoan Sensation, *The Coral Reefs of Samoa*, <http://www.samoan.co.uk/reefs> (last visited August 17, 2009).

¹⁶ AAP, *Climate Change Hits Fiji's Reefs*, *The Age*, November 25, 2008, <http://www.theage.com.au/environment/climate-change-hits-fijis-reefs-20081124-6g41.html>.

¹⁷ PICCAP, *supra* note 3, at 63.

¹⁸ Agrawala, *supra* note 15, at 11.

¹⁹ *Id.*

²⁰ PICCAP, *supra* note 3, at 9.

²¹ 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>.

²² IPCC, *supra* note 1, at 701.

²³ Pew Center on Global Climate Change, *Hurricanes and Global Warming*, <http://www.pewclimate.org/hurricanes.cfm#change> (last visited August 17, 2009).

in the South Pacific already occurs in Fiji's waters.²⁴ Weather-related disasters are already listed among the most critical risks confronting the Fijian economy,²⁵ and cyclones are a serious public safety issue. **As climate change increases the severity of tropical storms and cyclones, it threatens Fijians' right to life and security of person.**

IV. CONCLUSION AND RECOMMENDATIONS

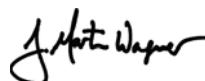
12. One of the most serious threats to the human rights of the people of Fiji is the vulnerability of their environment to the impacts of climate change. The threats confronting Fiji illustrate how the right to an ecologically healthy environment is fundamental to guaranteeing other rights, such as the rights to life, food, water, health, and a means of subsistence.²⁶

13. The primary responsibility for the impacts of climate change on the human rights of Fijians 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 Fijians and, where that is not possible, to mitigate the harms and assist the victims.

14. Earthjustice respectfully recommends that the Human Rights Council encourage the government of Fiji 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 Fiji must take serious steps to increase its mitigation and adaptation efforts to protect the right of the people of Fiji to a clean and ecologically sustainable environment. Implementing a comprehensive policy of mangrove conservation and reforestation would be a promising first step, as these forests help mitigate some of the adverse effects of climate change by preventing coastal erosion and acting as a buffer to storm surges.

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

Respectfully Submitted,



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²⁴ Agrawala, *supra* note 15, at 11.

²⁵ *Id.*, at 16.

²⁶ 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).