

Statement at Interactive Panel on Human Rights and Climate Change

I have the honor to speak on behalf of the Maldives, Timor Leste, and the Pacific Small Island Developing States of Fiji, Micronesia, Kiribati, Palau, Papua New Guinea, Marshall Islands, Nauru, Samoa, Solomon Islands, Tuvalu, Tonga, and Vanuatu.

Climate change poses serious barriers to the achievement of well-recognized human rights within many Small Island Developing States. We remain committed to the goals contained in the 2007 Malé Declaration on the Human Dimension of Global Climate Change, and we are pleased that the international community has engaged in an active dialogue regarding the inter-relationship between human rights and climate change. The conclusions of the OHCHR's report on climate change and human rights should be well-considered by Member States, and today's panel discussion should further inform consideration of this issue, including at the September High Level leaders event in New York and the December 15th Conference of Parties to the UNFCCC in Copenhagen.

As Small Island Developing States, the implications of climate change upon our human communities are not just an academic study or policy statement. Rather, they are a daily reality and cut-across many social development sectors. Our nations are fully engaged and committed to addressing these threats both at high political-level and at operational-level through concrete "on the ground" adaptation strategies which will reduce our human vulnerability to climate impacts. However, with emission levels continuing to rise and considering the barriers preventing direct and simplified access to adaptation funding, as well as

the current inadequacy of new and additional adaptation funding, the fact is that it will become increasingly difficult for us to fully safeguard the fundamental freedoms and rights of our island populations, as they relate to climate change impacts.

Looking forward, we would like to take this opportunity to make three points and to ask for the comments of the panelists in this regard.

One. As I have just noted, climate change will make it increasingly difficult for Small Island States acting alone to protect and promote those human rights threatened by climate change. This then raises the issue of international cooperation to address climate change. We believe that such cooperation is not only desirable; it is vital and, moreover, is a legal obligation under the core international human rights instruments. Under these agreements there is a clear extraterritorial obligation beholden on State Parties to refrain from acting in such a way as knowingly undermines human rights in other countries; a fact reinforced by reference to Principle 2 of the Rio Declaration. There is also an extraterritorial legal obligation to take steps through international assistance to facilitate the fulfillment of human rights in other countries. This is clearly applicable to the provision of adequate adaptation assistance, especially on the part of those countries which bear a historic responsibility for climate change. I would like to ask the panel how we can better implement and enforce these international legal obligations.

Two, on May 15th, the UN High Commissioner for Refugees presented a submission under the UNFCCC's Bali Process. The High Commissioner informed the UNFCCC that "the entire populations of low-lying States such as

the Maldives, Tuvalu, Kiribati and the Marshall Islands may in future be obliged to leave their own country as a result of climate change. Moreover, the existence of their State as such may be threatened. Entire populations of affected states could thus become stateless.” I would like to ask the panel what actions the Human Rights Council should be taking to protect the rights of these nations and their people, and specifically the right to statehood, the right to self-determination and the right of a people not to be deprived of its own means of subsistence?

Third, we believe it is imperative that information on the human dimension of climate change, including the assessment of the Human Rights Council under resolutions 7/23 and 10/4 and the assessment of other principal organs of the United Nations under GA resolution 63/281, be communicated and amplified within the UNFCCC process. Furthermore, the international human rights machinery should be leveraged to support that process by holding States to their legal obligations not to interfere with the enjoyment of human rights in other countries – especially the most vulnerable countries, and by emphasizing the importance of providing new and additional assistance to allow the most vulnerable nations to adapt to climate change based on historic responsibility and the “polluter pays principle”. We believe that these issues should be raised by appropriate Treaty Bodies in national reporting, and should be fully integrated into activities and discussions during individual Universal Periodic Review procedures, especially for major emitting nations. In the context of this statement, we also believe consideration should be given to creating a new Special Procedure mandate on human rights and climate change.

Thank you.