

Nauru

Mid-term

Implementation

Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 15 November 2013



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/nauru>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

9 stakeholders' reports were submitted for the UPR. 6 NGOs were contacted. 1 UN agency was contacted. The Permanent Mission to the UN was contacted. No National Human Rights Institution (NHRI) does exist.

2 NGOs responded to our enquiry. The UN agency did not respond. The State under Review did not respond to our enquiry either.

The following stakeholders took part in the report:

1. **NGOs:** (1) Earthjustice + Human Rights Advocates (EJ+HRA)

IRI: 0 recommendation is not implemented, 0 recommendation is partially implemented, and 5 recommendations are fully implemented. No answer was received for 107 out of 112 recommendations and voluntary pledges.



2. Feedbacks on recommendations

Recommendation n°94: *In view of the increasing challenges posed by climate changes, develop a human rights-based climate change adaptation strategy (Recommended by Canada)*

IRI: *fully implemented*

+

Recommendation n°95: *Increase cooperation with the relevant United Nations bodies and other regional and international organizations in its efforts to mitigate the harms from environmental degradation and adapt to the effects of climate change on its citizens (Recommended by Malaysia)*

IRI: *fully implemented*

+

Recommendation n°96: *Develop a rights-based national action plan that provides a framework to address the challenges of climate change, including disaster management and mitigation (Recommended by United Kingdom)*

IRI: *fully implemented*

+

Recommendation n°97: *Continue its efforts, through the United National Framework Convention on Climate Change and other forums, to remind the international community, especially developed countries and other major emitting states, of their obligations to protect and promote human rights in Nauru by reducing greenhouse gas emissions to safe levels (Recommended by Maldives)*

IRI: *fully implemented*

+

Recommendation n°111: *Continue to boost the fulfilment of their climate responsibilities by industrialized countries, which are the main cause for global warming (Recommended by Bolivia)*

IRI: *fully implemented*

EJ+HRA response:

Despite its limited capacity to minimize the effects of climate change on its citizens, Nauru has taken steps to enhance its technical capacity to respond to climate change impacts, developed its Disaster Risk Management Office, and has made continuous efforts to remind the international community of its obligation to reduce climate pollutants to protect the human rights in Nauru by reducing emissions. Examples include:

- On 8th February 2012, the National Cabinet of Nauru passed Nauru's National Water, Sanitation and Hygiene Policy, an effort of the integrated Water Resource Management (IWRM) project and Pacific Adaptation to Climate Change (PACC) Nauru. The aims enhance the capacity of Nauru to adapt to climate change, including developing sources of water that do not depend on historic precipitation patterns.



- As of 26th June 2012, Nauru has participated in six regional and global projects related to climate change that were financed by the Global Environment Facility (GEF). During the current GEF period of 2010 to 2014, Nauru has received US\$2 million for projects relevant to climate change adaptation.
- USAID has included Nauru in three of its Climate Change and Environment activities in relation to the South Pacific region:
 - The Coastal Community Adaptation Project (C-CAP), awarded in Sept 2012, aims to build resiliency of vulnerable coastal communities in the Pacific region to withstand more intense and frequent weather events and ecosystem degradation in the short term, and sea level rise in the long term.
 - The Vocational Training and Education for Clean Energy (VOCTEC), awarded in August 2012, aims to sustain renewable energy investments by strengthening the cadre of qualified professionals to design, install, operate, maintain, and repair solar photovoltaic energy equipment in the Pacific Islands.
 - USAID, through the Regional Development Mission for Asia, also launched a program 'Asia Climate Change Adaptation Support Facility (ADAPT Asia- Pacific)' in 2011, which provides capacity building and governance support for adaptation planning and implementation in the region.
- The Nauru National Assessment Report for the Third International Conference on Small Island Developing States (SIDS) (2013) states that Nauru has the following achievements in respect to climate change:
 - A reverse osmosis plant has decreased the vulnerability to drought. The plant is partially solar powered, which further increases resilience.
 - Nauru established a disaster risk management unit in 2010. A disaster risk alert system is also in place.
 - The Nauru National Sustainable Development Strategy (NSDS) has begun integrating climate change adaptation strategies into its sectoral areas, such as coastal protection using breakwaters, seawalls, and improved drainage systems.
- On 29th April 2013, during the second session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) in Bonn, Germany, on behalf of the Alliance of Small Island States (AOSIS), Nauru pushed for an agreement to bring CO₂ concentrations down to correlate with 1.5 degrees of climate warming by the end of the century, and emphasized an ongoing need for financial support, technology transfer and capacity building for developing countries.
- On 4th June 2013, Nauru delivered the statement on behalf of AOSIS for the opening plenary of the ADP in Bonn, and pushed for a legally binding agreement that would ensure survival of the most vulnerable. Nauru emphasized that such an agreement would be applicable to all, and would require universal participation and contribution.



Nevertheless, no amount of effort on the part of Nauru will fully protect the human rights of the people of Nauru, as long as climate change continues to:

- threaten the physical security and health of coastal communities (most of the population) with increased temperatures, sea level rise and increasingly severe storms and cyclones resulting in tidal surges, lowland flooding, beach and mangrove erosion, and the spread of vector-borne diseases;
- threaten access to freshwater by increasing extremes of temperature and precipitation, increasing instances of drought, and by causing salt-water intrusion into groundwater due to lowland flooding and coastal erosion; and
- jeopardize food security by impeding the agricultural capacity of the islands and damaging ocean ecosystems such as reef fisheries on which the people of Nauru rely for food.

These threats are negatively impacting the rights to food and water, the right to health, and the right to a healthy and sustainable environment for the people of Nauru.

In light of these harms, it is impossible for a nation like Nauru, with limited resources and minimal contribution to climate change, to guarantee full protection of the human rights of its people. The primary responsibility for the harms to the human rights of the people of Nauru caused by climate change falls not on the national authorities of Nauru, but on the States most responsible for past and current emissions of climate pollutants. These polluting States must take responsibility for their share of the impacts of climate change on the enjoyment of the human rights of the people of Nauru, implement effective measures to substantially reduce their emissions, and provide financial, technical and other support for measures to minimize the effects of climate change on the human rights of the people of Nauru.

In sum, climate change poses serious threats to the enjoyment of human rights in Nauru. Under international law, the primary obligation to prevent and minimize those threats lies with the nations that are responsible for the majority of historical and current emissions of global warming pollution. We encourage the Human Rights Council to recognize this obligation in the context of the Universal Periodic Review of Nauru.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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