

**Why Wai Wai? A Call for a New Conscience from Oceania  
Addressing the Adverse Impacts of Climate Change on the Full Enjoyment  
of Human Rights & Fundamental Freedoms on Our Way Forward**

**Joshua Cooper, Director, Hawai'i Institute for Human Rights & OceaniaHR**

President of the UN Human Rights Council,  
Distinguished High Commissioner for Human Rights,  
Excellencies, Distinguished guests, Ladies and Gentlemen,

Aloha. Mahalo nui loa.

I want to thank the Philippines and Bangladesh for sponsoring this seminar. I also want to thank Maldives for their dedication over the decades. I also want to thank the Office of the High Commissioner for Human Rights.

It is an honor and I am humbled to participate in this panel as well as the informal discussions in the hallways during the two day seminar. I always walk away with so much from these meetings of the minds. I also walk to the Palais des Nations daily. I enjoy walking. I do physical activity. I learned this morning I am doing preventative action as I learned from our representative from World Health Organization. I saw something that intrigued me.

There was a sign. Ce n'est pas un cendrier. I thought at the beginning maybe it was Geneva art. The sign was hanging on a tree. It is symbolic of where we are at in the world and what we face. If we have to put signs on trees saying they are not ashtrays we are in a world of hurt. Trees provide oxygen and just the opposite on the life scale from an ashtray.

Just to make you feel better here is a photo of a tree I used to read under in my youth. It was one of my favorite places to reflect and relax when growing up in Hawai'i. I might have to hang a sign on that tree to let people know that is what it was. It's a little shorter than it used to be when I was growing up.

The climate crisis is the foremost threat for the people and our planet. Indigenous peoples communities and developing countries find themselves on the frontline while contributing the least to the core causes of climate change. While many actors in global affairs continue to communicate potential practices that could offer opportunities in the face of climate change building mainly on the market, those impacted the most and the face of the crisis insist a human rights based approach recognizing inherent dignity and traditional philosophy and practices offers the best opportunity to survive the climate crisis.

Global climate change is no longer an ominous, omnipotent threat of the future but a dawning, deadly reality today.

I have been fortunate to be able to participate in this issue since 2003 at the United Nations. During this transformative global conversation, the initial interest hovered around how our environment would be impacted. Currently, we are awaking to stark reality that nature is only the first casualty. Indigenous peoples communities and developing countries are also being impacted already. I coordinated together with the Pacific Caucus chair at the 21<sup>st</sup> session at the UN Working Group on Indigenous Peoples. We shared what people were facing then in Oceania. Expert Francoise Hampson was receptive and began a four year process focusing on study on Legal Implications of the Disappearance of States for Environmental Reasons, including the Implications for the Human Rights of Their Residents with particular Reference to Indigenous People. It worked up and down the WG – Subcommission and Commission. In the end there was a call for Hampson to be appointed as special rapporteur but there was no decision with regard to appointment at the final session of the Commission. UN SR on Situation of Human Rights and Fundamental Freedoms of Indigenous People Rudolfo Stavenhagen raised the issue on vulnerable environments at the 61<sup>st</sup> session of the UN Commission.

Many have cited the petition of the Inuit as Dinah Shelton and Jasper Teulings mentioned. What was significant about that action by indigenous women leadership was as . Sheila Watt-Cloutier noted, “The reality is that whether or not we win the petition, whether or not the declaration is declared, it’s a win, because we have used this tool, this instrument, to really put this issue on the map as a human rights issue. We blazed that trail. No one had ever made those kinds of connections before. It turned the heads of many around the world to take a look at what’s happening here in the Arctic to an entire people.”

Indigenous peoples begin every meeting with a ceremony of thanksgiving. The elders say ceremony is the way we can remember to remember. As one indigenous leader noted, The land is reading us law over and over but we forget to listen in this moral landscape.

Indigenous know and live what we have forgotten that we are all bound by a covenant of reciprocity with nature. This is reflected in the UN Declaration on the Rights of Indigenous Peoples which has many relevant articles regarding climate change and even six articles with principle of Free, Prior and Informed Consent.

Indigenous peoples have been at the forefront for nearly a decade already documenting climate change and demanding recognition of rights being violated. Indigenous peoples have already begun adaptation to be able to survive. Indigenous peoples have taken care of our earth’s biodiversity and offer knowledge that can be essential to all on earth. As Gleb Raygoreodetsky, wrote for National Geographic, “Indigenous peoples, however, are not mere victims of climate change. Comprising only four percent of the world’s population, they utilize 22 percent of the world’s land surface. In doing so, they maintain 80% of the planet’s biodiversity...” Indigenous peoples are protectors and biological diversity is essential to adaptation

models. These adaptation models are rooted in culture, identity and indigenous wisdom. By framing in human rights, indigenous peoples can share their perspectives as potential paths for other societies to pursue to save our common planet.

My research focuses on human rights based adaptation measures in the regions of the world. Already mentioned the Arctic. Another highly vulnerable region is Oceania.

As Tuvalu Prime Minister Apisai Ielemia shared with the UN General Assembly, "...we know the impacts of climate change are upon us. For a highly vulnerable small coral atoll nation like Tuvalu, the consequences of the impacts of climate change are frightening. The survival and security, along with fundamental human rights, and the cultural identity of our entire nation is under threat and Tuvalu is right on the edge of existence. Climate change could well push us over that edge."

As former Tuvalu Prime Minister Saufatu Sopoanga wrote, "Manmade climate change is not a Pacific invention, nor are rising sea levels our problem to fix. There is only this: Tuvalu and other Pacific island countries will be among the first to suffer the catastrophic consequences of sea-level rise."

If the world does focus on the indigenous peoples and developing countries of Oceania, a large part of the planet will be on the proper path for climate change adaptation. The people are vulnerable and the natural ecosystem part so vast that a human rights based approach could serve as a model for other fragile environments.

As SPREP noted, "...these islands support more rare and endangered species per capita than anywhere else on Earth. They are microcosms of our world, dramatically highlighting the interdependence of people, plants, and animals with the health of their land, freshwater, and marine environments."

There are amazing programs of exchange between Africa and Latin America of the Gamo of Ethiopia and Quecha of Peru living in highland regions on opposite sides of the world. They are saving their staple crop from the effects of climate change. Gamo elders traveled to Potato Park in Peru to study how six Quechan communities banded together to save hundred of varieties of potatoes. Gamo elder Shagre Shano Shale came back with knowledge for their Enset crop. As he said, "We can't think of our lives outside of enset."

Another vulnerable sector of society mentioned earlier is youth. On important initiative is the Atmospheric Trust Litigation launched by youth seeking climate recovery plans through state and federal public trust lawsuits. They are using the Public Trust Doctrine that embodies human rights principle of intergenerational justice.

A UN wide holistic approach is necessary. In our wisdom, we sliced up our world. The system carved up people and land into commodities. The new proposals for solutions perpetuate that path. Indigenous peoples see world as holistic and interconnected. I have been fortunate to walk in that parallel world. It is a way forward. Looking at how we can move forward there are many avenues at the UN for us to continue.

Let me mention briefly one collaborate measure of indigenous peoples with the Intergovernmental Panel on Climate Change along with the UN University Institute for Advanced Studies' Traditional Knowledge Initiative (UNU-IAS TKI). The project is a series of workshops to integrate and include indigenous and traditional peoples knowledge into the next IPCC Assessment Report. There was a meeting in Mexico and will be one next month in Australia. As Gleb Raygorodetsky wrote about this new collaboration between scientists focusing on fact-finding and societies on the frontline, "As this cooperation demonstrates, indigenous knowledge holders and scientists are beginning to establish novel collaborate arrangements that are co-creating new knowledge that would not be generated through the efforts of either group alone. Though initiatives like the UNU-IAS TKI and IPCC workshops, this co-produced knowledge is opening new and important pathways for climate change adaptation and mitigation." The human rights framework shapes the relationship between the scientists focusing on fact-finding and societies on the frontline.

The UN PFII and UN EMRIP should contribute in our way forward on climate change & human rights. We must explore ways to include as they played a positive role in the past to shape the issue.

We could mobilize campaign at the UN Human Rights Council Advisory Committee to develop a Declaration on Climate Change and Human Rights

An annual forum on Climate Change & Human Rights to hear from the impacted indigenous peoples communities and developing countries would be important. We must ensure the human face as Maldives noted provide a space for the voice for the voiceless.

Another important venue is the Universal Periodic Review. We raised the issue for the dozen plus Pacific Island States in the first round and are mounting a campaign for climate change to be covered thoroughly in the second round beginning in May for all states under review.

Current special procedures should mainstream climate change in their findings. Also they collaborate together. Existing procedures should emphasize adaptation from framework of human rights.

A new special procedure could produce reports that provide insight into what individuals and communities are being impacted. The special procedure could be a nexus and point of contact with other UN bodies. A special procedure can work on

issue over a long period of time. A special procedure could be able to clarify the law already developed, pull it all together of law already existing and publicize it to global community. A special procedure could actually bring together many different stakeholders. The special procedure can find common ground and make linkages not recognized before. Very important role is to share best practices so we can

In response to US comment, the statement that an outside independent expert would seek and interpret independently would be dangerous. To do nothing is dangerous. Chair yesterday said numbers of special procedures are swollen. So are the shorelines of island nations.

To followup on US observation, I would like to ask a question maybe by show of hands. How many people here are also delegates?

COP 18 is a new opportunity. We can build on our common conversation. In Durban, the health coalition movement was well organized. We could coordinate a one day Global Climate & Human Rights summit. We can build on their best practices to place human rights at the heart of Doha. I look forward to partner with CIEL and Ambassador in December.

A lot of attention has been focused on the UN Human Rights Council. It is also important to include the UN human rights treaty bodies. All of the rights we have mentioned are included in the core treaties. Impacted people could raise the issue in the regular review of states taking place between every two – five years. There are opportunities in shadow reports and meeting with experts to raise the linkages between climate change and human rights. There are also special sessions and general comments that could elaborate on climate change and human rights. The optional protocols and specific articles allowing individuals to bring cases forward is also an important avenue to build jurisprudence.

The Lorax movie will come out next week. How many people have ever read the book to their children? I read it to my university students and we discuss what it all means. What's a Thneed? Who are the barbaloots? It ends with a powerful message about the Truffala Trees, "UNLESS someone like you cares a whole awful lot nothing is going to get better no no it is not."

I know when I look among this room and reflect on what has been done so far, I know we can walk together on this path to save ourselves and the planet.

What are we working for? Nothing short of the world.

How does that translate to people. I was at the Intersessional on my way back from Durban stopped in New York to begin to prepare for Rio+20. I was fortunate enough to represent a small island state at the negotiations as well assist the indigenous peoples in the stakeholder process. For the first time I attended a UN Christmas party with all of the ambassadors and diplomats. There was one

statement that summarized everything we share in our hearts to our commitment to climate change & human rights. The ambassador simply stated, "We are who we were. We will be who we are."

The human rights framework suggests solutions. It allows us to move beyond blame and fingerpointing which is dominating the current paradigm in world politics and instead promotes bold proposals and problem solving by the people for each other and the earth. Human rights approach forges a foundation to measure and compare situations and expose shortcomings of states and global structures. It underscores the seriousness of the situation.

It has been a good two day discussion. As they said once at the UN Permanent Forum when the theme was Climate Change, Bio-cultural Diversity and Livelihood Chief Willie Littlechild jokingly noted, A dialogue almost broke out. We had good dialogues here with solid proposals. We can begin to weave the words into actions at the UN Human Rights charter and treaty bodies.

Climate change is a common challenge. It requires a common campaign.

We can redefine wealth. In Hawaii, wealth is wai wai. It means water, water. Those who had abundant water were wealthy. One is also respected by how much one shares. In a postcarbon society, Courage is the new currency. I see that in the faces of the people gathered here in this room. Rooted in conscience and creativity, we should coordinate together to create conditions conducive to continue this conversation for climate change & human rights across the UN and regional human rights machinery. We can go forward with ethical equilibrium, egalitarian interconnectedness and intergenerational equity.

Maluhia Me Ka Pono