**Maldives’ responses to the Questionnaire on Healthy Ecosystems and Human Rights: Sustaining the Foundations of Life**

**by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment**

1. **Please provide examples of ways in which declining biodiversity and degraded ecosystems are already having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water, food, culture, non-discrimination, a safe, clean, healthy and sustainable environment, and Indigenous rights.**
   1. The Maldives is an archipelagic State comprised of 1,192 islands. Roughly 80% of these islands are less than 1 meter above the sea,[[1]](#footnote-1) and 96% of all islands have a land area of less than 1 km2. The greater part of the Maldivian territory is ocean and most of the biodiversity in the country is found in its coral reef ecosystems. The resident population of Maldives at the last census date in 2014 was 402,071 persons,[[2]](#footnote-2) of which 38% resided in the capital Male’, and the remainder in one of the other 193 inhabited islands of Maldives.[[3]](#footnote-3) The main means of inter-island travel and goods transport to islands – sea transport, is vulnerable to disruptions caused by extreme weather events.
   2. As detailed in the paragraphs below, climate change and human activities have contributed to a decline in biodiversity and degraded ecosystems, and affected the human rights of the population.

**Right to Water**

* 1. Traditionally Maldivian islands depended on harvested rainwater and shallow, naturally formed freshwater aquifers which generally sit about 1-1.5 meters below the surface to fulfil their water needs.[[4]](#footnote-4) These traditional sources of water have however been disrupted by degraded ecosystems caused by human activity and climate change.
  2. Longer dry seasons caused by climate change has reduced the replenishment rate of these freshwater aquifers, which in turn has reduced their volume and quality. Increased sea surges due to climate change fuelled sea level rises, and extreme weather events, have also led to saltwater contamination of the freshwater lens on these islands. The health of these aquifers has been further compromised by human activities such as disposal of untreated wastewater into the ground, excess withdrawals, unplanned disposal of solid waste on land, and paving of roads.[[5]](#footnote-5)
  3. The problem of reduced rainwater harvests due to longer dry seasons has also been compounded by atmospheric pollution contaminating harvested rainwater. Incidents of dark rain, and water which remains coloured even after filtration have been reported across Maldives.[[6]](#footnote-6)
  4. In 2014, almost 40 islands reported water shortages and requested fresh water supplies from the National Disaster Management Centre.[[7]](#footnote-7) Transport of water to these geographically dispersed islands is costly and difficult.
  5. Although the Government of Maldives has undertaken projects such as the construction of regional water desalination plants, and improved rainwater collection infrastructure combined with groundwater protection and improvements, the right to clean and safe water remains a concern.

**Right to Health**

* 1. A positive correlation between water shortages caused by disruptions to the freshwater supplies and waterborne diseases have been observed in the Maldives.[[8]](#footnote-8) Water shortages may cause people to consume water that is not safe to drink and reduce hygienic practices such as washing to conserve water, leading to a greater incidence of diarrheal diseases.[[9]](#footnote-9)
  2. Temperature rises due to climate change can also lead to an increased risk of contracting diseases by changing the reproductive rates of pathogens and disease vectors such as mosquitos and mites. Maldives has seen the re-emergence of scrub typhus in 2002,[[10]](#footnote-10) and observed increasing rates of diseases transmitted by mosquitoes.[[11]](#footnote-11)`
  3. Although no empirical data is available to indicate local ambient emission levels, deteriorating quality of air in the capital is reflected by the growth of pressure indicators[[12]](#footnote-12). Data from the Health Protection Agency shows an upwards trend in the number of acute respiratory infection cases from 2010 to 2015.[[13]](#footnote-13)
  4. Extreme weather events occurring at greater frequency due to climate change affects the right to health of persons in Maldives by damaging infrastructure on islands. These events have damaged sanitation systems causing greater risks of water borne diseases and affected medical buildings. Significant percentages of the population which reside in islands other than Male’, and utilize sea transport to gain access to medical care facilities located in neighbouring islands are also affected by extreme weather events which may destroy harbours, boats and impact the ability to travel and gain access to health care.

**Right to an Adequate Standard of Living**

* 1. Flooding, sea surges and beach erosion caused by changes brought to the environment by coastal modification and climate change threatens the right to an adequate standard of living, as homes are destroyed and affected people are displaced.

**Right to Education**

* 1. A number of children still travel by boat to neighbouring islands on a daily basis to attend schools,[[14]](#footnote-14) the greater incidence of extreme weather events acts as a barrier to education by preventing safe travel to schools. Extreme weather events also affect educational infrastructure such as school buildings.

**Right to Self-determination and Means of Subsistence**

* 1. The right to self-determination is most effectively guaranteed by the existence of a sovereign state which acts as a guarantor for the rights of peoples within its territory. Environmental degradation continues to threaten the very existence of the Maldivian State by eroding its territory, a hallmark of statehood. Erosion has affected over 80% of islands.[[15]](#footnote-15)
  2. Although Maldives imports a significant percentage of it’s food, several islands still depend on local agriculture and fisheries to supplement their diet.[[16]](#footnote-16) Saltwater intrusion into agricultural lands, destruction of crops by extreme weather events, and loss of bait fish breeding grounds due to coral bleaching events all contribute to the deprivation of a means of subsistence for people in these islands.

**Right to Food**

* 1. Increasing incidents of flooding caused by sea surges and extreme weather events can destroy food stores and degrade agricultural land. An overall reduction in the total catch of tuna, the primary source of locally available dietary protein was observed from 2005-2014.[[17]](#footnote-17) Coral bleaching continues to affect the habitat of live bait necessary for traditional pole and line fishing, and concerns that climate change may affect the migration patterns of tuna remain.[[18]](#footnote-18) Extreme weather events also disrupt the supply of food to isolated islands, affecting the right to food.

**Right to Life**

* 1. The right to life has been undermined by increasing exposure to extreme weather events, and impacts to the right to health, water, food and means of subsistence.

1. **To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing the main direct drivers of harm to biodiversity and ecosystems (e.g. land conversion, loss and degradation of habitat, climate change, overexploitation, pollution, invasive species) and the indirect drivers (unsustainable production and consumption, rapid human population growth, trade, conflict and inequality)?**
   1. Maldives has numerous international and domestic obligations to reduce the drivers of harm to the environment.
   2. International instruments placing obligations on Maldives include among others: Convention on Biological Diversity; the Cartagena Protocol on Biosafety; Convention on International Trade in Endangered Species of Wild Fauna and Flora; United Nations Framework Convention on Climate Change; the Kyoto Protocol; International Plant Protection Convention; the Montreal Protocol on Substances that Deplete the Ozone Layer; Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; Male’ Declaration on Control and Prevention of Air Pollution and its Likely Transboundary Effects for South Asia; Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; and the Stockholm Convention on Persistent Organic Pollutants.
   3. At the domestic level, Article 22 of the Constitution of the Republic of Maldives states that *“*The State has a fundamental duty to protect and preserve the natural environment, biodiversity, resources and beauty of the country for the benefit of present and future generations. The State shall undertake and promote desirable economic and social goals through ecologically balanced sustainable development and shall take measures necessary to foster conservation, prevent pollution, the extinction of any species and ecological degradation from any such goals.”
   4. As for businesses, some activities which may be undertaken by them and are considered drivers of harm, are subject to specific regulations. These include sand mining, fisheries, waste disposal, tourism, import and use of ozone depleting substances, removal of trees and the completion of development projects.
2. **Please provide specific examples of constitutional provisions, legislation, regulations, policies, programs or other measures that employ a rights-based approach to prevent, reduce, or eliminate harm to biodiversity and ecosystems or to restore and rehabilitate biodiversity and ecosystems.**
   1. The Maldivian Constitution provides a rights-based framework for the protection and preservation of the environment. The following provisions provide the basis of that framework.
   2. As detailed above at paragraph 2.3, Article 22 of the Constitution places an obligation on the state to protect and preserve the environment and Article 18 states that it is the duty of the State to protect and promote constitutional rights and freedoms provided in the Constitution. Article 17guarantees constitutional rights to all citizens without discrimination, and Article 65 states that, anyone whose constitutional rights or freedoms, have been infringed or denied may apply to a court to obtain a just remedy.
   3. The Maldives also has laws and regulations which empower decision makers authorizing development proposals to consider their impact on rights and the environment.
   4. Section 5 of Law No: 4/93 (Environmental Protection and Preservation Act) requires developmental projects to complete an Environmental Impact Assessment (EIA) in order to obtain Government authorization to carry out the project. Regulation No: 2012/R-27 (Regulation on the Preparation of the Environmental Impact Assessment Report) requires all EIAs to consider the environmental, cultural, social, human, economic, and other relevant impacts of a development proposal. Decisions authorizing such a project may only be made after considering the EIA and public comments on the EIA report. The regulation also requires the Environmental Protection Agency (EPA) to make available for public comment, a list of projects being considered by the Agency, EIA reports and the environmental management plans of such projects.
3. **If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to protecting, conserving and restoring biodiversity and healthy ecosystems? If so, how? If not, why not?**
   1. Maldives recognizes the right to a clean, healthy and sustainable environment in Article 22 of the Constitution. Article 22 has served as the basis of litigation to achieve environmental outcomes; however, it has not been frequently invoked as the primary grounds of such litigation.
   2. This right has also been referred to in many of the policies and laws designed to protect and preserve the environment. Government’s 5-year Strategic Action Plan 2019-2023 (SAP) launched in October 2019, dedicates numerous subsectors of the “Island Way of Life” sector to address environmental issues. These include clean energy, waste as a resource, water and sanitation, environmental protection and preservation and resilient communities. Government is committed to implementing the actions stated in SAP, in order to fully realise the right to a safe, clean, healthy and sustainable environment as provided by the Constitution.
4. **Please provide specific examples of good practices in preventing, reducing, or eliminating harm to biodiversity and ecosystems, or restoring and rehabilitating biodiversity and ecosystems. These examples may occur at the international, national, sub-national, or local level. Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices (e.g. measurable outcomes such as increases in terrestrial and marine protected areas, increases in Indigenous and Community Conserved Areas, declining rates of deforestation and poaching, or progress in the recovery of species that were previously threatened or endangered).**
   1. The Maldives has undertaken several projects in this area. Recent efforts include:
      1. establishment of a Green Fund, which utilizes Green Taxes paid by tourists to fund environmental initiatives;
      2. carrying out programmes to improve environmental awareness of key decision makers such members of Parliament, ministers and councillors;
      3. strengthening biodiversity by designating eco rich areas as protected zones - to date over 42 sites have been designated protected areas;[[19]](#footnote-19)
      4. accelerating private investment in renewable energy to reduce dependency on fossil fuels;
      5. preparing outer islands for sustainable energy development in partnership with development banks - hybrid energy systems will be established in 160 islands under this project;
      6. introduction of regulation to protect migratory birds;
      7. preparation of a National Biodiversity Strategy and Action Plan; and
      8. preparation of coastal and marine environment management plans to support biodiversity preservation.
5. **Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to declining biodiversity and degraded ecosystems (e.g. women, children, persons living in poverty, members of Indigenous peoples and local communities, older persons, persons with disabilities, ethnic, racial or other minorities and displaced persons). How can these populations be empowered to protect and restore declining biodiversity and degraded ecosystems?**
   1. It is hoped that measures to amplify the participation of women in the political arena will contribute to increasing their role in all spheres of life including restoring declining biodiversity and degraded ecosystems, by amplifying their voices and providing platforms to raise their concerns regarding these issues. Recent measures taken include legislative amendments to Law No: 7/2010 (Decentralisation Act) to reserve 33% of seats in local councils for women, allocate budgets to women’s development councils and more clearly define their role.
6. **How do you safeguard the rights of individuals and communities working on biodiversity issues (potentially identified as environmental human rights defenders or land defenders)? What efforts has your Government made to create a safe environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?**
   1. Article 27 of the Constitution protects the freedom of expression, Article 32 the freedom of peaceful assembly and Article 30 the freedom to form political parties, associations and societies.
   2. The Government has submitted a new Associations Bill to the Parliament in October 2019, which will replace the current Law No: 1/2003 (Associations Act). This new Bill will seek to modernize the law in line with best practice, to ensure free and full exercise of the right provided for in the Constitution.
   3. Furthermore, the Government’s 5-year Legislative Agenda envisages the introduction of a Freedom on Expression Bill which will further cement full realisation of the right without fear of violence, intimidation or reprisal.
   4. The recently enacted Law No: 16/2019 (Whistle-blower Protection Act), protects all individuals who expline platforms and in person., the EIA Regulation have legitimised the role played by individuals and comm.ose corruption within the State A Whistle-blower Portal was also launched in February 2019, to encourage public involvement in ensuring state accountability.
   5. In addition to this, the EIA Regulation have legitimised the role played by such actors by requiring the EPA to consider public comments prior to authorising major development projects.
   6. As for ensuring a safe environment for such actors to exercise their rights without fear, Maldives Police Service continues to actively engage in countering threats and harassment, both on online platforms and in person.
7. **There is substantial evidence that consumption in high-income States is adversely affecting biodiversity and ecosystems in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to biodiversity loss and ecosystem degradation, while simultaneously contributing to sustainable development in those low-income States?**
   1. Climate change remains a significant cause of biodiversity loss and degraded ecosystems. The cost of climate mitigation and adaptation measures remains prohibitive for Small Island Developing States (SIDS) such as the Maldives. Continuation and expansion of mitigation and adaptation funding is required to help SIDS and donor States meet their obligation to work towards the progressive realization of economic, social and cultural rights.
   2. Measures to strengthen the obligation on developed countries to transfer climate change mitigation or adaptation technology need to be developed. Measures developed countries may pursue to facilitate this obligation includes the removal of legal barriers to technology transfer and introducing measures to make such technologies more affordable to developing States.
   3. While the measures described above may assist Maldives to cope with the continuing impact of environmental degradation and its accompanying impacts on the human rights of its residents, no adaptation measures or technology exists which can completely protect against these effects and guarantee the continuing existence of states such as the Maldives. Therefore, states must, in addition to ensuring existing emission targets are met, commit to limiting emissions to scientifically agreed safe levels.

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31st May 2020

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