

Climate change as a human rights issue: the role of National Inquiries in the Philippines

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The Commission on Human Rights of the Philippines undertook a series of National Inquiries to investigate the effects of climate change on the enjoyment of human rights. The Commission identified a range of obstacles and opportunities but faces constraints in gaining State and non-State compliance with its recommendations.

With the increasing importance of human rights protection in the context of climate change and climate-induced disasters, National Human Rights Institutions (NHRIs) can play a role in investigating and monitoring human rights issues. In

the Philippines, this role is performed by the independent Commission on Human Rights of the Philippines (CHRP).

The CHRP undertook a National Inquiry on Climate Change to investigate the effect of climate change on human rights, with



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Fisherfolk from Bantayan Island in the Philippines are dependent on natural resources for their livelihoods, and feel the effects of climate change more than others.

Greenpeace acting as principal petitioner on behalf of communities affected by climate change.¹ The Inquiry gathered testimonies from affected communities, looking at how climate-related changes were affecting their housing and land, access to livelihoods and natural resources, and overall enjoyment of human rights. These changes include sea level rise and increased land and ocean temperatures, as well as devastating events such as Typhoon Haiyan in 2013. In addition, the CHRPH also conducted a National Inquiry on the Situation of Human Rights of Internally Displaced Persons.

Through such Inquiries, the CHRPH identified climate change as contributing to increased exposure of affected communities to human rights abuses – that is, creating another layer of vulnerability for persons whose human rights are at risk of being violated, or are already unprotected.² These Inquiries aim to engage policymakers in responding to climate-related human rights issues and finding ways to prevent or address climate-induced displacement. Testimonies are gathered from local community members, civil society and advocacy groups, and these testimonies, together with input from academic experts, form the basis for questions posed to policymakers during the Inquiry. Inquiry hearings are conducted with parties providing information under oath, where any unsubstantiated statement can be grounds for filing perjury charges.

National Inquiries are also significant in that they are mandated to monitor State compliance with international human rights obligations, and to make recommendations to the Congress on measures to improve human rights protection and promotion. In the context of climate-related displacements, the CHRPH was able to invite and question government actors (also under oath) on the key issues relating to climate-induced displacement – lack of preparedness, limited mechanisms to address impacts at the local level, and the involvement of big private business, among others.

Laws have still not caught up with the reality of the threat posed by climate change to the enjoyment of human rights. Climate change mitigation and adaptation have been mainstreamed through the Climate Change Act of 2009 and the Disaster Risk Reduction and Management Law of 2010 but a close reading of the law shows that the legislation focuses on structural and organisational efficiency rather than on substantive aspects such as improvement of quality of living of affected communities, and meaningful participation of communities in decision-making. There has been no introduction of human rights standards, such as compliance with international conventions. Another key issue that the CHRPH must address is the difficulty in following through the implementation of its key recommendations. The CHRPH does not have prosecutorial powers, which therefore limits its ability to enforce cooperation with its recommendations.

While the CHRPH is mandated to investigate the impact of climate change on the enjoyment of human rights, NHRIs' mandates do not usually cover the actions of private business; they can make recommendations to major businesses but cannot demand compliance. The relationship between business and human rights is still an evolving aspect of the human rights regime.

Faced with such challenges, the CHRPH still effects its mandate through new and existing partnerships with civil society organisations, non-governmental organisations, academia,

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and even international non-governmental and inter-government organisations. Environmental civil society organisations provide expertise on the scientific aspects of climate change, while on-the-ground service delivery groups help organise communities in addressing climate change impacts at the local level. The participation of these groups helps the CHRP with its advocacy with the government, as well as in presenting the issue in international platforms such as the Global Alliance of NHRIs, the Asia Pacific Forum and the Southeast Asia NHRI Forum. Over the past five years, such forums have expressed interest not only in supporting advocacy efforts relating to human rights protection in the context of climate-related disasters, but also in incorporating activity which investigates climate-related human rights abuses within their own climate-focused programmes.

Legislative advocacy is also crucial in further cementing mechanisms for accountability to help compel the government to include climate change as a human rights issue. A review of existing legal frameworks is needed. The inclusion of CHRP as an

observer in climate change mitigation and adaptation structures within the government could prove helpful in the inclusion of a human rights-based approach to climate response. A separate legal framework for the protection of IDPs, including those displaced by climate-related impacts, must also be given serious consideration.

Much remains to be done but National Inquiries into climate-related displacement and human rights can provide a good first step towards a stronger legal protection environment for affected communities.

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1. Commission on Human Rights of the Philippines, 'National Inquiry on Climate Change' <https://chr.gov.ph/nicc-2/>
2. Documented from the Commission on Human Rights of the Philippines National Inquiry on the Human Rights of Internally Displaced Persons Visayas Hearings, 21-22 October 2021.