

National Inquiry on Climate Change (NICC) by the Commission on Human Rights of the Philippines

Climate Change is a Human Rights Issue.

Climate Change is a Global Issue.

Climate Change is an existential issue.

The Commission on Human Rights of the Philippines (CHR) is currently conducting a National Inquiry on Climate Change (NICC) to determine the impact of climate change on the human rights of the Filipino people and into the responsibility of coal, oil, gas, and cement producers for human rights violations resulting from climate change during the historic 2015 United Nations Climate Change Conference held in Paris.

The National Inquiry on Climate Change was created in response to a petition filed by a group of typhoon survivors, other individuals and local groups. They also got the support of Greenpeace Southeast Asia (Philippines) and 13 other non-governmental groups, who joined the petition.

This petition is the first-of-its-kind to request an investigation into the role of multinational companies in climate-related human rights harms. While these companies are headquartered outside of the Philippines, the human rights impacts are occurring in the country. This is also the first time that a national human rights body has agreed to proceed with such an investigation.

The Swiss companies Holcim and Glencore, as well as ExxonMobil, Shell, BP, Chevron, Total, BHP Billiton and Suncor are among the 47 respondent carbon majors that are being investigated by the CHR. The respondent Carbon Majors are investor-owned oil, gas, and cement companies whose activities have been studied as the largest contributors of CO₂ emissions since the industrial revolution.

For the past two decades, the Philippines has been identified by the Global Climate Risk Index (GCRI) as among the top ten (10) countries most affected by climate risks.

Timeline

In November 2013, Typhoon Haiyan batters Central and Eastern Visayas of the Philippines. Typhoon Haiyan, known in the islands as Super Typhoon Yolanda, claimed thousands of lives and affected millions of others who have yet to recover. Entire families were lost and thousands of communities faced destruction like they had never experienced before.

22 September 2015: Greenpeace Southeast Asia-Philippines together with 13 Filipino civil society organisations and 18 individuals submitted a petition to the Commission on Human Rights of the Philippines (CHR), requesting an investigation of the «Responsibility of the Carbon Majors for Human Rights Violations or Threats of Violations Resulting from the Impacts of Climate Change.» For the first time, fossil fuel companies face a national

human rights complaint on climate change.

04 December 2015: The CHR announced that it would open an investigation to commence at the beginning of 2016 to look into whether large international fossil fuel companies are violating the human rights of its citizens by driving climate change.

27 July 2016: The CHR sent copies of the complaint filed by the Petitioners, as well as an official order to the headquarters of the world's largest investor-owned fossil fuel and cement producers. The order enjoined the companies to submit answers to the Commission within 45 days.

By the end of September and beginning of October 2016, the Petitioners received a number of responses. The majority of the responses requested the CHR to dismiss the Petition.

08 December 2016: Despite apparent opposition from fossil fuel companies, the CHR announced that it will proceed with the investigation in 2017.

13 February 2017: The Petitioners filed a consolidated reply, requesting the CHR to deny the Carbon Majors' demand for dismissal, and challenging CEOs to be part of the solution by fully participating in the national inquiry.

05 May 2017: Several respondents submitted to the CHR their respective rejoinders to the petitioners' consolidated reply.

June to November 2017: The CHR made series of community visits in select climate-change impacted areas for interviews, investigation, and triangulation of data.

11 December 2017: The CHR conducted preliminary conference, which was supposed to be the first meeting of the parties but only the petitioners formally entered their appearance.

07 February 2018: Greenpeace's most iconic ship, the Rainbow Warrior, sailed in the Philippines on a 20-day journey in the name of the countless communities who are fighting for Climate Justice.

27-28 March 2018: Landmark human rights hearings against fossil fuel companies began in Manila, Philippines. Community witnesses (farmers, fisherfolk, indigenous people, youth), scientists, and legal experts were among those who testified in what is the world's first national human rights investigation of its kind into the Carbon Majors. Public hearing sessions continued in May, August, and December in Manila presenting various legal experts, scientists, and community witnesses who share their expertise and experiences.

23-24 May 2018: Second public hearings in Manila wherein petitioners presented 7 community witnesses and 6 expert resource persons.

27-28 September 2018: Public inquiry hearings in New York City were conducted where both petitioners and the CHR invited their respective resource persons.

06-08 November 2018: Public inquiry hearings in London were done and both petitioners and the CHR presented their respective resource persons.

11-12 December 2018: Petitioners concluded the presentation of their witnesses and expert resource persons in the two-day hearings held in Manila.

The petitioners anticipate that the Commission will issue a report and resolution in last quarter of 2019.

Questions and Answers

1. Who are the Petitioners?

The Petitioners are representatives of communities across the Philippines. These include survivors of super-typhoons such as Haiyan (Yolanda), fisherfolk from Alabat originally known for its rich fishing grounds, communities living near Bataan coal power plant situated in the Central Luzon region of the Philippines, and civil society groups, including Greenpeace Southeast Asia-Philippines.

2. Who is the target of the climate change and human rights petition?

The 47 respondent Carbon Majors are investor-owned oil, gas, and cement companies: Alpha Natural Resources, Anadarko, Anglo American, Apache, Arch Coal, BG Group, BHP Billiton, BP, Canadian Natural Resources, Cemex, Chevron, Conoco Phillips, Consol Energy, Devon Energy, Encana, ENI, Exxon Mobil, Freeport McMoRan, Glencore, Heidelbergcement, Hess, Holcim, Husky Energy, Italcementi, Kiewit Mining, Lafarge, Lukoil, Luminant, Marathon, Murphy Oil, Murray Coal, North American Coal, Occidental, Omv Group, Peabody Energy, RAG, Repsol, Rio Tinto, Rosneft, Royal Dutch Shell, RWE, Sasol, Suncor, Taiheiyō Cement, Total, UK Coal, Westmoreland Mining. Of the original 47 respondent Carbon Majors, it appears that 42 are active investor-owned respondent Carbon Majors.

Their head offices are in the United States, UK, Germany, France, Italy, Switzerland, Netherlands, Spain, Austria, Canada, Russia, Australia, Japan, Mexico and South Africa.

This list draws on recent peer-reviewed research undertaken by Richard Heede of the Climate Accountability Institute. The research carried out by Heede estimates, for the first time, the extent to which 90 named entities – the largest multinational and state-owned producers of crude oil, natural gas, coal, and cement since in some cases as early as 1854 – have contributed the lion's share of cumulative global CO₂ and methane emissions. These findings are of serious importance and consequence to the Philippines due to the country's high vulnerability to the impacts of climate change. The findings call attention to the role of the Carbon Majors because these producers contributed a significant portion of the estimated emissions of greenhouse gases.

3. What are the Petitioners asking the Commission on Human Rights of the Philippines?

1. Take official or administrative notice of the investor-owned Carbon Majors' contribution to carbon dioxide emissions and the UN Guiding Principles on Business and Human Rights, conduct an investigation into the human rights implications of climate change and ocean acidification and the resulting rights impacts in the Philippines; and following the investigation, issue a finding on the responsibility of the investor-owned Carbon Majors for human rights threats and/or violations in the Philippines, resulting from climate change and ocean acidification;
2. Monitor people and communities acutely vulnerable to the impacts of climate

- change;
3. Recommend that policymakers and legislators develop and adopt clear and implementable objective standards for corporate reporting of human rights issues in relation to the environment, with special regard for current and future climate change impacts and GHGs associated with fossil fuel products;
 4. Recommend that policymakers and legislators develop and adopt effective accountability mechanisms that victims can easily access in instances of violations or threats of violations in the context of climate change;
 5. Notify the investor-owned Carbon Majors and request the submission of plans on how such violations or threats of violation resulting from the impacts of climate change will be eliminated, remedied, or prevented in the future; and
 6. Recommend that governments, including the Philippines and other countries where the investor-owned Carbon Majors are domiciled and/or operate, enhance, strengthen, or explore new ways to fulfill the international duty of cooperation to ensure the Carbon Majors take steps to address the human rights implications of climate change.

4. Are the Petitioners seeking compensation?

No. They are seeking to stop harm, to keep the coal, oil, and gas in the ground, and to get official recognition that these fossil fuel companies are responsible for human rights impacts.

5. What legal weight does the CHR carry?

The CHR is an independent office created under the Constitution of the Philippines, with the primary function of investigating all forms of human rights violations involving civil and political rights, as well as socio-economic and cultural rights in the Philippines. Although it is not a judicial body, courts respect its findings and recommendations.

More Information: The Climate Change and Human Rights Petition:

<http://www.greenpeace.org/seasia/ph/press/releases/Worlds-largest-carbon-producers-ordered-to-respond-to-allegations-of-human-rights--abuses-from-climate-change/The-Climate-Change-and-Human-Rights-Petition/>