

Statement of Loretta Ann P. Rosales

“The problems of today cannot be solved by the same consciousness that created them.”

-Albert Einstein

When the Greenpeace Southeast Asia-Philippines, NGO partners and concerned citizens from Southeast Asia filed a petition before the CHR in September 2015 against 47 multinational “Carbon Majors” to investigate possible rights violations resulting from activities impacting climate change, many raised their eyebrows in wonder. The big business majors were quick to question the Commission’s jurisdiction over them given the fact that the Commission has no judicial authority to investigate and prosecute, especially at the magnitude of their impact on climate change.

And true enough. The Rights Commission is a monitoring body, a watchdog to make sure the government complies with rights obligations exacted by treaties to which the Philippines is a state party.

But with the same spirit that gave Greenpeace and its partners the courage of David to confront the 47 Goliath Giants, the Commission on Human Rights accepted the challenge knowing its parameters as a human rights monitoring body.

I underscore this spirit of courage against formidable obstacles because this is what this narrative is all about. Human rights is never offered on a silver platter. It is an uphill struggle to fight for one’s rights and exact accountability from duty bearers, whether state or non-state actors. Human Rights today has been a product of continuing struggle across generations and oceans. It was Macliing Dulag that led his people to stop the World Bank-funded Chico River Dam that would have drowned their villages and fields that provided them nourishment and life. It was these struggles synthesized under the continuing guidance of UN norms to bring us where we are today - under an inclusive framework where duty bearers, both state and non-state, should work together in the respect and protection of human rights; and to ensure that remedial measures are provided when human rights are violated.

The UN Guiding Principles (UNGP) on Business and Human Rights (BHR) provide an analytical lens on what may constitute human rights protection in the Philippines from climate harms, including the role of businesses in addressing these harms and identification of any policy gaps that should be addressed by the Philippine Government.


Briefly, the UNGP or the Ruggie Framework as is popularly known, rests on three pillars: Pillar 1, State duty to protect, draws on the state’s existing obligation to protect, respect and fulfill human rights in relation to business-related human rights abuses ; Pillar 2, responsibility of business enterprises (BEs) to respect human rights in the conduct of its business and to address adverse impacts of their operations, and Pillar 3 , State and business should ensure access to effective

remedies for victims of business-related HR violations through judicial or non-judicial mechanism.

Central to the foundational and operational guidelines of the UNGP on BHR is the state, being the primary duty-bearer. Pillar 1 and 3 bear on the state as protector of rights and provider of effective remedies, judicial or non-judicial respectively. In addressing any human rights impacts or violations, UNGP places emphasis on the protection of vulnerable groups such as women, worker, IPs, migrant workers and farmers among others. Pillar 2 on corporate responsibility to respect human rights essentially sets out the norm that in the conduct of their business, BEs should do no harm and should conduct human rights due diligence to be able to address their impacts on the rights of peoples and communities.

The climate action of both state and non-state actors, specifically the carbon majors should promote and protect Human Rights. Mitigation and/or adaptation are the generally climate actions that both state and non-state actors should employ. ***But aside from mitigation and adaptation is to institutionalize the urgent need for rights and obligations to be matched by appropriate and effective remedies whenever breached.*** Thus, a human rights-based climate action should ensure the following: access and participation of vulnerable groups; it should be non-discriminatory; there should be transparency and accountability; and it should be sustainable and evidence-based.

National laws and even local ordinances which the national and local government Units (LGU) adopt are vehicles for the climate actions of the government. These will be analyzed based on the foregoing premises with the end in view of identifying the policy gaps and recommendations.


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