



Commission on Human Rights of the Philippines (CHRP)

Response to the call for submissions on internal displacement in the context of the slow-onset adverse effects of climate change

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1. The Commission on Human Rights of the Philippines (herewith, “the Commission”), in response to the call of the United Nations Special Rapporteur on the human rights of internally displaced persons, Ms Cecilia Jimenez-Damary, submits its inputs relative to internal displacement in the context of the slow-onset adverse effects of climate change.
 2. This submission took into consideration local and international reports from government, civil society, the media, and international non-government organizations. This submission also utilized the Commission’s own documentation of independent monitoring activities and statements which have undergone the internal deliberations of the Commission En Banc.
 3. The Commission’s responses to the questions propounded by the Special Rapporteur in her call for inputs are as follows:

Examples of national and/or regional laws and policies relevant to internal displacement in the context of disasters and climate change

Climate Change Act of 2009

4. Republic Act No. 9729, otherwise known as the Climate Change Act of 2009,¹ calls for the State to mainstream the concept of climate change into government policy formulation and to ensure that the actions of duty bearers are founded upon substantial environmental considerations.
5. In the said law, government agencies and local government units (LGUs) are required to allocate from their annual appropriations sufficient funds for the formulation, development, and implementation of projects, which are designed to protect and advance the rights of the people to a balanced and healthful ecology, as provided under Section 16 of the 1987 Philippine Constitution. On a similar note, the law mandates the Climate Change Commission to formulate a National Framework Strategy on Climate

¹ GOVPH, “*Republic Act 9729 – Climate Change Act of 2009*”, Last Accessed: 22 June 2020

Change (NFSCC), which shall serve as a basis for the enactment of a national program on climate change.

Philippine DRRM Act of 2010

6. Republic Act No. 10121, also known as the Philippine Disaster Risk Reduction and Management Act (PDRRM) Act of 2010,² integrates risk reduction mechanisms to Philippine disaster management framework. It provides a proactive system in addressing disaster and improved relief and response. The PDRRM Act of 2010 prioritizes community-level disaster risk reduction management by strengthening its capacity and enhancing the participation of civil society organizations (CSO).
7. The PDRRM Act of 2010 highlights the importance of risk assessment and knowledge management to minimize vulnerabilities in disaster situations. It also recognizes the impact of climate change. It incorporates adaptation strategies to combat the effects of climate change.
8. The law mandates the National Disaster Risk Reduction Management Council (NDRRMC) to lead the efforts on addressing disasters through coordination, integration, supervision, monitoring, and evaluation of the government's risk reduction and relief efforts. NDRRMC is an inter-agency body composed of representatives from government agencies, local government units, CSOs, and the private sector. Its responsibilities include: (a) the development of a framework which shall provide for a comprehensive, all-hazards, multi-sectoral, inter-agency and community-based approach to disaster risk reduction and management, (b) the development of assessment tools on the existing and potential hazards and risks brought about by climate change to vulnerable areas and ecosystems in coordination with the Climate Change Commission, and (c) the formulation and implementation of a framework for climate change adaptation and disaster risk reduction and management from which all policies, programs, and projects shall be based.

Available data and evidence on internal displacement linked to slow-onset natural hazards in the context of the adverse effects of climate change (globally or in a specific region or country), trends and/or challenges and gaps with regards to data collection, analysis and use

9. Unprecedented sea level rise and drastic changes in weather patterns have caused the forced movement of communities.
10. The Philippines is listed in the Global Climate Risk Index 2015 as the number one most affected country by climate change because of its geography. It is located in the western Pacific Ocean, surrounded by naturally warm waters. However, due to the effects of climate change, the ocean's temperature increases and more heat is being released in

² GOVPH, "*Republic Act 10121 - Philippine Disaster Risk Reduction and Management Act of 2010*", Last Accessed: 22 June 2020

the atmosphere; thus, resulting in more frequent and stronger storms. Moreover, due to deforestation, the Philippines lacks natural barriers that could help stabilize soil and mitigate the impacts of storm surge.

11. In 2013, over four million citizens were displaced due to the storm surge caused by typhoon Haiyan, also known as Typhoon Yolanda. Findings from a study revealed that the Philippine sea levels are rising at about twice the global average. The increase in the sea levels contributes to the storm surge that could rise up to 15–20 feet whenever strong storms such as typhoon Haiyan make landfall.³

The impact of climate change-related internal displacement on the enjoyment of human rights by specific groups, such as indigenous peoples, minorities, children, older persons, and persons with disabilities

12. Typhoon Yolanda resulted in the displacement of thousands of families. While some were able to return to their homes, other families living in coastal areas were unable to do so, as the city governments invoked Presidential Decree No. 1067, or the Water Code of the Philippines,⁴ and imposed no build zones within 40 meters from the coast lines. This was done without prior consultation with the affected communities. As a result, many, particularly fisher folks' families, were forced to resettle in government housing projects far from coastal areas.
13. Other families were forced to resettle in mountainous areas, far from the shores. The resettlement resulted in poor access to livelihood especially for fisher folks' families. Due to the limited number of public vehicles, most families have encountered problems in transportation to and from resettlement areas. These problems include high fares that are disproportionate to their household incomes. Access to schools, markets, and medical centers, have also been limited for the resettled communities.

Analysis of the response of States and the international community to: a) prevent the conditions that might lead to displacement and prepare for internal displacement in climate change contexts, including early warning, climate change mitigation and adaptation, and disaster risk reduction, b) protect and assist those internally displaced in such disaster situations; and c) provide effective remedies, overcome protracted displacement and support durable solutions for them

14. RA 10121, or the Philippine Disaster Risk Reduction and Management Act (PDRRM) Act of 2010, provides the policy direction to integrate disaster preparedness into the governance framework of both national and local governments. It also establishes a

³The Climate Reality Project, "How Is Climate Change Affecting the Philippines?", 19 January 2016, <https://www.climaterealityproject.org/blog/how-climate-change-affecting-philippines>, Last accessed: 18 June 2020

⁴GOVPH, "Presidential Decree No. 1067, s. 1976 - The Water Code of the Philippines", Last accessed: 22 June 2020

structure for immediate and efficient response of government agencies during and post-disasters.

15. There have been numerous gains as regards the implementation of the Act, along with other legislation such as the Climate Change Act. Local governments are required to set aside a percentage of their revenue allotment for the purpose of disaster preparedness and response. The structure also allows for the support of national and international aid organizations and civil society groups in involving communities in developing early warning mechanisms and in the delivery of aid once disasters hit their areas. Climate change adaptation and mitigation have also been included as key areas of disaster management. For example, local governments are expected to come up with their local climate change action plans (LCCAP) and climate and disaster risk assessments (CDRA) to project the risks of climate-related changes in their jurisdiction, particularly those involving housing, livelihood, and agriculture, among others.
16. In practice, however, there remains a lot of issues on how to best address issues of disasters and climate change, especially in post-disaster situations. As early warning and preparedness are usually lacking in local implementation, communities end up not having adequate protective measures and structures that can assist them in evading or minimizing the harms of disasters. There have also been some instances when situations of displacements are exacerbated or worsened by poor climate change adaptation measures by local governments. Some evacuation centers and relocation areas are poorly identified or planned. In Zamboanga City, there have been communities that were “double-displaced” as the displaced families were relocated near the shore where tidal surges occur during strong rains.
17. There is a need to improve local government understanding of climate-related risks. CDRA, for example, are not always prioritized in the development of local government plans. There should also be an understanding of how climate-related risks affect communities, and how these risks will change (or worsen) over time. Community-focused response is important in situating families and individuals in the disaster-management plan.

Responsibility of the business sector in the prevention, response and provision of remedy to climate change-related displacement, for example, by including considerations relating to climate change and displacement in human rights due diligence processes, in line with the UN Guiding Principles on Business and Human Rights

18. The findings from a 2011 study revealed that at a national level, climate change plans had been drawn up; however, the implications of such plans, such as taxes, standards, obligations, and incentives for specific businesses were unclear. Compared with businesses in other countries, fewer businesses in the Philippines (42% as of 2011) have engaged with government policy-makers. Majority of the business entities argued that the imposition of climate change regulations has posed risks to their businesses.⁵

⁵ “Philippine businesses’ response to climate change: Climate change and sustainability survey”, June 2011, <https://www.pwc.com/ph/en/thinktank/assets/2014/pwcfa-climate-change-survey-2011.pdf>, Last Accessed: 21 June 2020

19. Businesses have a critical role to play in shaping national and international climate change policy. In particular, carbon major companies should adhere to the domestic laws created by countries that have jurisdiction over their operations, and continue to engage with government policy-makers. They should conduct due diligence, particularly on Human Rights Impact Assessment (HRIA), Climate Change Impact Assessment (CCIA), and Environmental Impact Assessment (EIA). They should also use their leverage as businesses to influence their subsidiaries and partners, including those within their supply chains, for better compliance with human rights responsibilities, as elaborated under the UN Guiding Principles on Business and Human Rights. They must adhere to the principle of transparency towards their shareholders, investors, and the public in general. They should likewise disclose their continuing investments not only with regard to carbon fuel extraction, but also in renewable and clean energy.⁶ Nevertheless, it is also important for the government to assist business entities in identifying impacts and developing more effective business continuity strategies to address the effects of climate change.

The role of National Human Rights Institutions in monitoring, reporting and promoting accountability for climate change-related internal displacement, handling complaints and gathering disaggregated data, supporting States in preventing the conditions that might lead to displacement and responding to displacement in line with their human rights obligations, and promoting sustainable development, in accordance with the Paris Principles

20. As a National Human Rights Institution, the Commission remains faithful to its mandate to uphold and protect the rights of the IDPs. The Commission continuously monitors and urges relevant government authorities to ensure that internally displaced persons (IDP) assistance is included in the risk reduction and response strategies of the national government.
21. Currently, the Commission is engaged in the IDP Protection Project with the United Nations Higher Commissioner for Refugees (UNHCR). The project strengthened the Commission's monitoring of areas with high displacement risk by assigning IDP protection monitors. The Commission has also assigned one IDP Protection Monitor in Tacloban City who will monitor incidents of displacement in Eastern Visayas.
22. The Commission regularly conducts monitoring missions through its regional offices and the Center for Crisis, Conflict, and Humanitarian Protection (CCCHP). The data gathered on the human rights issues of IDPs are regularly reported to relevant authorities for swift action.
23. The data from the regions and the CCCHP are collated to form mid-year and annual situation reports to keep the Commission updated regarding IDP issues. The said reports contain recommendations to the relevant government agencies involved in IDP

⁶ [Statement of Commissioner Roberto Eugenio Cadiz during the RBHR Forum](#), 9 June 2020, Last Accessed: 19 June 2020

protection. The reports are in turn used as reference by the legislature in drafting bills regarding internal displacement, such as the pending IDP Bill and Marawi Compensation Bill.

Examples of mechanisms used to hold States, companies or other actors accountable for climate change-related displacement, and to provide effective remedy to those affected

24. The Commission on Human Rights of the Philippines conducted a National Inquiry on Climate Change (NICC) in response to a petition filed by citizens of the Philippines with the aid of several Non-Government Organizations requesting the Commission to investigate and determine the impact of climate change on the human rights of the Filipino people. The Inquiry also sought to determine if the top fossil fuel producers of the world, or the Carbon Major companies, were fuelling climate change.
25. During the Inquiry, the Carbon Major companies were given the opportunity to be heard and counter the arguments of the petitioners. Following a nearly three-year investigation, the Commission found that some companies played a clear role in anthropogenic climate change and could be held legally liable for its impacts.
26. Although the Commission's report has no abrupt penalties for the liable companies, according to Amnesty International, "its conclusion created a major legal precedent. It opens the door for further litigation, and even criminal investigations, that could see fossil fuel companies and other major polluters either forced to pay damages or their officials sent to jail for harms linked to climate change. The decision also affirms that fossil fuel companies have to respect human rights and invest in clean energy."⁷

The impact of health crises such as the current one related to COVID-19, and of the measures taken to respond to them, on climate change-related internal displacement, including their impact on: a) displacement patterns, b) climate change mitigation and adaptation strategies, c) preparedness and disaster risk reduction, and d) humanitarian assistance and protection to internally displaced persons

27. Due to the impact of the COVID 19 pandemic, more than a million displaced Filipinos are in need of humanitarian assistance and protection from the government. To respond to their needs, the Philippine government, through the Department of Social Welfare and Development (DSWD), implemented the Social Amelioration Program (SAP) to subsidize the provision of basic necessities for the most affected families and individuals, including underprivileged and homeless individuals.⁸

⁷ Amnesty International website, "Philippines: Landmark decision by Human Rights Commission paves way for climate litigation" 9 December 2019, <https://www.amnesty.org/en/latest/news/2019/12/landmark-decision-by-philippines-human-rights-commission-paves-way-for-climate-litigation/>, Last Accessed: 18 June 2020

⁸ DILG website, [Special Guidelines on the Provision of Social Amelioration measures by the DSWD, DOLE, DTI, DA, DOF, DBM and DILG to the most affected residents of the areas under Enhanced Community Quarantine](#), 28 March 2020, Last Accessed: 117 June 2020

28. The government has also implemented Executive Order No. 114, otherwise known as the “*Balik Probinsya, Bagong Pag-asa*” Program, which is geared towards addressing Metro Manila’s congested urban areas by encouraging people, especially informal settlers, to return to their home provinces, with support and incentives on transportation, family, livelihood, housing, subsistence, and education, among others.⁹
29. Faithful to its mandate of protecting and upholding the rights of internally displaced persons (IDPs), the Commission on Human Rights emphasized in its advisory¹⁰ the need to respond to the specific needs of IDPs, especially the social and economic impacts brought about by the pandemic. The Commission called on relevant government authorities to provide special attention to the needs of IDPs, their host communities, asylum seekers, refugees, and migrants who often encounter difficulties in terms of gaining access to health services and relief assistance that are readily available to the general population.
30. Guided by the United Nations Guiding Principle on Internal Displacement, which highlights the important role of the state insofar as providing protection to IDPs, specifically in terms of granting support and ensuring that the government provides timely information and assistance such as access to nutrition, healthcare, and adequate shelter in light of the rapid increase of COVID-19 cases in the country, the Commission continues to advocate for the passage of the IDP Bill to ensure that the rights of internally displaced persons are respected, protected, and fulfilled especially in times of emergency.

Information on how slow-onset effects of climate change are inter-related with conflict, i.e. how climate change and conflict combine to act as drivers and causes of internal displacement, and what specific combined effects they have on internally displaced persons

31. Climate-related changes could be considered as a driver of conflict, which could cause displacements. Changes in weather patterns have an impact on food sustainability and water source. Sea level rise affects communities situated in coastal areas. In a structure where local governance is not robust or is incapable of addressing the dynamic issues caused by climate change in shelter and livelihood arrangements of communities, conflict and violence could result from such grievance.
32. In the Philippines, particularly in Mindanao, where social and ethnic conflict still exist and non-state armed groups are present despite peace efforts, there is an evident relationship between climate change and conflict. The changes in weather patterns and their effects on agriculture and natural resources could force armed groups to resort to violence towards state authorities and civilian communities in accessing food and non-food resources. This now causes huge impact to some people living in the community, particularly marginalized women. Due to limited land availability and continuing poverty, some women, wives, and widows are forced by conflict and climate change to

⁹ GOVPH, ” [Institutionalizing the Balik Probinsya, Bagong Pag-Asa Program as a Pillar of Balanced Regional Development, Creating a Council Therefor, and for Other Purposes](#)”, 6 May, 2020, Last accessed: 18 June 2020

¹⁰ CHRP website, “[Human Rights Standards on the Protection of Internally Displaced Persons \(IDPs\) during the COVID-19 Emergency \(CHR V A2020-004\)](#)”, 01 April 2020, Last accessed: 18 May 2020

leave their communities in order to find jobs that can sustain the needs of their families.¹¹

33. Communities experience further difficulties with climate change even in their situation of displacement. As communities in armed conflict contexts are usually reliant on agriculture or natural resources for a living, their displacement made them lose their access to these assets. This adds another layer of vulnerability for IDPs, and also makes it more challenging for them to achieve their durable solutions at the soonest possible time.

¹¹ Alvin Chandra, “*In Philippines, climate change and conflict both conspire against rural women*”, The Conversation, 25 July 2017, <https://theconversation.com/in-philippines-climate-change-and-conflict-both-conspire-against-rural-women-77729>, Last accessed: 19 June 2020