

# THE CARBON MAJORS AND CLIMATE ACCOUNTABILITY: LESSONS FROM THE PHILIPPINES

Dr Annalisa Savaresi

Senior Lecturer, University of Stirling  
Director for Europe, Global Network Human Rights and  
the Environment

[Annalisa.Savaresi@stir.ac.uk](mailto:Annalisa.Savaresi@stir.ac.uk)

# Human Rights and the 2015 Paris Agreement

Human Rights Council

Office High Commissioner  
on Human Rights

UN Special Rapporteurs

International, regional  
and national rights bodies

## Preamble

*Acknowledging* that climate change is a common concern of humankind, **Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights**, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity

# What is the role of human rights (HRS) in the climate emergency?

```
graph TD; A[What is the role of human rights (HRS) in the climate emergency?] --> B[HRS as a paradigm for climate action]; A --> C[HRS as a remedy]; B --- D[Savaresi A et al, 'Human Rights and the Paris Agreement's Implementation Guidelines: Opportunities to Develop a Rights-Based Approach' (2018) 12 CCLR 191]; C --- E[Savaresi A and Auz J 'Climate Change Litigation and Human Rights: Pushing the Boundaries' (2019) 9 Climate Law 244];
```

## HRS as a paradigm for climate action

Savaresi A et al, 'Human Rights and the Paris Agreement's Implementation Guidelines: Opportunities to Develop a Rights-Based Approach' (2018) 12 *CCLR* 191

## HRS as a remedy

Savaresi A and Auz J 'Climate Change Litigation and Human Rights: Pushing the Boundaries' (2019) 9 *Climate Law* 244

# Responsibilities of businesses specifically related to climate change

*Reduce* greenhouse gas *emissions* from their own activities and their subsidiaries

Reduce greenhouse gas emissions from their products and services

*Minimize* greenhouse gas *emissions* from their suppliers; *publicly disclose* their emissions, climate vulnerability and the risk of stranded assets

*Support*, rather than oppose, *public policies* intended to effectively address climate change

Ensure that people affected by business-related human rights violations have *access to effective remedies*

Special Rapporteur on Human Rights and the Environment, A/74/161 (2019)  
at 71-72 (emphasis added).

## One example: The so-called ‘Carbon Majors inquiry’



REPUBLIC OF THE PHILIPPINES  
COMMISSION ON HUMAN RIGHTS

Savaresi et al., *Amicus Brief: Human Rights and Climate Change* (GANHRI and APF, 2017)

---

### Who are the applicants?

Philipino individuals, as well as civil society organizations

---

### Who are the respondents?

Global corporations identified by scientists as the main culprits for GHGs emissions

---

### Which human rights instruments?

Human rights enshrined in the legal order of the Philippines, including through the implementation of international treaties

# Opportunities and challenges

## Opportunities

Raise  
**awareness**

Enhance  
**visibility**

Put **pressure**  
on states/non-  
state actors

## Challenges

**Technical** - e.g.  
Jurisdiction,  
standing

**Substantial** –  
limits of HRS  
obligations

**Existential** –  
what are HRS  
remedies for?

# Overcoming the challenges

Demonstrate that corporations have human rights **responsibilities** in transnational operations

Increasingly acknowledged in the **practice of human rights bodies and domestic courts**

Prove that a specific corporation has **contributed** to climate change, in such a way as to amount to a breach of human rights

Increasingly acknowledged in **scientific literature**

Prove that these breaches can be **attributed** to those specific corporations

**Joint and several liability** widespread practice in relation to environmental harm

Demonstrate **due diligence** duty and breach of such as duty

**Failure to act** on the back of awareness of climate change and related impacts as a source of liability

Savaresi and Hartmann, 'Using Human Rights Law to Address the Impacts of Climate Change: Early Reflections on the Carbon Majors Inquiry' in Lin and Kysar (eds), *Climate Change Litigation in the Asia Pacific* (CUP 2020) <<https://papers.ssrn.com/abstract=3277568>>

# The importance of the Carbon Majors inquiry

- Recognition of **human rights bodies' powers** to investigate complaints concerning activities of corporations not headquartered in the Philippines (already established)
- Recognition of **corporate responsibility for human rights violations** caused by climate change impacts (to be determined and potentially a primer)



# CONCLUSION

Human rights as a means to address the **justice** questions associated with climate change

Human rights provide **remedies, especially** where none are available, giving **voice** to the voiceless and starting a **truth telling** process

Human rights may be used as an **interim gap filler**, while better dedicated legal instruments to deal with climate harms are devised

Human rights are instrumental in bringing about a **change in attitude** by courts and lawmakers

Savaresi A, 'Human Rights Responsibility for the Impacts of Climate Change: Revisiting the Assumptions' *Onati Socio-legal series* (2020)

<https://papers.ssrn.com/abstract=3454099>