



Climate Accountability Probe Brings Philippines Human Rights Hearing to NYC

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An investigation into whether fossil fuel companies are responsible for disastrous climate impacts in the Philippines will bring that country's Commission on Human Rights to New York City next week, when it will hold the fourth in a series of hearings on the case.

The case seeks to determine whether 47 cement, coal, oil and gas companies worldwide have collectively contributed to climate change and as a result violated Filipinos' basic rights to life, water, food, sanitation, adequate housing and self-determination. The commission launched the case in response to a petition from Greenpeace and other groups in 2015 and began holding hearings this year.

The hearings, on Thursday and Friday, will be hosted by the New York City Bar Association and are open to the public.

The case is unusual for treating the devastating impacts of climate change as potential human rights abuses. The commission's findings could have political and legal implications in a broader effort by environmental and community groups to hold fossil fuel companies accountable.

"Thousands of pages of statements and evidence are now on the record. People around the world will be able to access these records and see why we are facing worsening heat waves, wildfires, floods, droughts, and storms and who are responsible for these," said Desiree Llanos Dee, a climate justice campaigner for Greenpeace in the Philippines, via email. "It tells us a story on who is at risk and who is responsible. Hopefully, these stories' passion and courage will inspire action."

The initial petition highlighted the destruction of communities by Typhoon Haiyan in 2013 that killed more than 6,300 people in the Philippines. As the commission prepares for the upcoming hearing, the country is struggling to deal with the aftermath of another Category 5 typhoon, Mangkhut, which swept through last weekend, causing severe landslides and killing nearly 100 people according to the most recent estimate. Mangkhut went on to wreak havoc in Hong Kong, which had not seen a typhoon this powerful since 1979, and other parts of southern China.

The commission hopes that a hearing in the U.S. would prompt many of the companies accused, many of them based in North America, to participate in the testimony. None have sent representatives to the three previous hearings in the Philippines.

The 17 companies that initially responded to the investigation in writing mostly disputed the authority of the commission to investigate them because they don't operate in the Philippines, or they argued that climate change isn't a human rights issue under domestic or international law.

The companies under investigation include Chevron, Exxon Mobil, Suncor, Arch Coal, Andarko, Marathon, ConocoPhillips, Shell and BP. Chevron and Anglo American declined to comment. Seventeen other companies didn't respond to a request for comment.

The commission expects to hear from Patrick Michaels, director of the Center for the Study of Science at the Cato Institute. Michaels, who received funding from fossil fuel companies for his climate research, will argue that the science is not settled on the extent of humans' role in global warming.

"My main point is that human-induced climate change is real, but its magnitude has been far beneath what was predicted, and that the model that best tracks observed atmospheric temperatures, a Russian one, also happens to have the least future warming forecast," Michaels said in an email.

Research shows that global warming has conjured up more powerful hurricanes as heat-trapping greenhouse gas emissions turn the atmosphere into a giant reservoir of moisture that leads to heavier rains. Rising sea levels also exacerbate the damage caused by storm surges. The Philippines, an island nation in the Pacific, ranks near the top among countries most at risk from climate change.

The commission opened the case after receiving a petition for an investigation from Greenpeace, along with 13 other environmental and community groups and 18 individuals, in 2015.

A determination that fossil fuel companies are culpable for the human rights violations could pressure the government to pass tougher environmental laws or pave the way for lawsuits seeking compensations from fossil fuel companies. It could also spark similar investigations in other countries.

The petitioners hope that the case will help pressure the companies to cut emissions and move away from extracting and selling fossil fuels.

Many of the witnesses in previous commission hearings described how powerful storms like Haiyan, extreme heat and other effects of the changing climate have destroyed their homes, communities and ways of life. The witnesses included fishermen, farmers and members of indigenous groups and the transgender community

"I went as an academic witness to talk about my research, but I left so moved by the unique human rights focus of the case," said Geoffrey Supran, a postdoc fellow of the history of science at Harvard University who testified as an expert witness at the most recent commission hearing in August.

"One of those testifying alongside me was a trans woman called Arthur, who lost everything and almost died in Typhoon Haiyan, and yet now, despite it all, has found the strength to fight back," Supran added.

The commission also heard from Filipino scientists who laid out climate science data, as well as other climate researchers and legal experts from the U.S. and the United Kingdom. Those

speakers included Richard Heede, co-founder of Climate Accountability Institute, Carroll Muffett, chief executive of the Center for International Environmental Law; and Sophie Marjanac, and attorney for ClientEarth

Heede's research in particular has played a central role in lawsuits in the U.S. that seek compensation from fossil fuel companies to help pay for the costs of climate impacts.

"Oil, gas and coal companies need to align their investments and strategies in line with science and public demand," Heede said. "I want them to be public and transparent about their corporate plans to shift investments away from fossil fuels in a timely manner."

Heede co-authored research papers showing that 90 fossil fuel and cement producers produced 63 percent of the carbon dioxide and methane emissions between 1751 and 2010. He and fellow researchers have tied the emissions from each company to the corresponding rise in global temperatures and sea level rise.

Climate lawsuits against fossil fuel companies have emerged in the past year from cities and counties including San Francisco, Oakland, New York City, Boulder, Colo., and King County in Washington state. Rhode Island became the first state to pursue this type of case in July.

The Philippines commission isn't the first to consider climate impacts as human rights issues. The Inter-American Court of Human Rights published an advisory opinion that equates environmental protection with human rights earlier this year.

Courts in countries such as Ireland, the Netherlands and Pakistan, have also taken up lawsuits that sought to force governments to cut emissions aggressively and protect their people's constitutional or fundamental rights.

The commission will also hold a hearing in London next month. It said it plans to issue its resolution early next year.