



Climate Liability News

Human Rights Hearing: Emotional Testimony, No Oil Industry Response

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In a steady, unflinching voice, Marinel Ubaldo told a story of a life torn apart by a powerful typhoon and set the tone for a hearing in New York City by the Philippines Commission on Human Rights in an unusual investigation about corporate responsibility and climate change.

As the first to testify on Thursday, Ubaldo recounted the horror of witnessing buildings topple and debris flying as Typhoon Haiyan swept through her village in Samar, killing 11. The category 5 storm reduced her home to a heap of rubble that buried her most precious possession—a box of medals and certificates that helped frame her identity as a good student—and left behind a family torn apart by the struggle to rebuild. In all, the monster 2013 storm killed 6,300 in the Philippines.

She explained how her father, a fisherman, had trouble catching enough fish even when he sailed farther out to sea. Her mother abandoned the family saying she couldn't handle it anymore. Ubaldo was 16.

“I was in school when my father told me the news. He couldn't sleep and couldn't bear to go fishing anymore. He became suicidal,” said Ubaldo, who became gripped by fear whenever she heard the sound of ocean waves, a reminder of the power of Haiyan. “It took me three years before I could go to the ocean again.”

She's one of many typhoon survivors who have testified in front of the commission since it held its first hearing earlier this year to investigate whether fossil fuel and other companies have violated Filipinos' human rights with their role in climate change.

The two-day hearing that began on Thursday is the fourth by the commission and represents an unusual attempt to treat climate impacts as potential violations of Filipinos' rights to life, water, food, sanitation, adequate housing and self-determination. While the commission has no authority to impose any penalty, experts say its findings could lead to new climate laws, bolster lawsuits seeking compensation from fossil fuel companies and could set an example for other countries to follow.

After three previous hearings in the Philippines, the commission decided to hold the current one in New York City and has another scheduled in London in November. Commissioner Roberto Cadiz, who is leading the case, said the commission hoped to demonstrate the global nature of climate change. It coincides with Climate Week NYC, as well as a meeting of the United Nations general assembly.

The commission also hoped the New York City forum would draw participation from the companies it's investigating, many of which are based in North America and Europe. Its invitations to the 47 companies, including Chevron, ExxonMobil, ConocoPhillips, BP and Shell, have gone unanswered.

Some of the companies protested the case when it began in 2015 and argued the commission had no authority to investigate them because they don't operate in the Philippines. They also contend that climate change isn't a human rights issue.

"We want to come up with the process to address human rights issues for climate change and the reporting requirements for business, and legal remedies for climate change victims," Cadiz said during his opening remarks on Thursday. The companies, he said, "haven't stepped up."

The commission had expected to hear the testimony of Patrick Michaels, director of the Center for the Study of Science at the Cato Institute and a recipient of funding from fossil fuel companies for his climate research. Michaels said he doesn't dispute that climate change is real, but believes its impact will be far less than predicted. He canceled his appearance the night before the hearing.

The commission has heard testimony from many domestic and international experts who presented research showing the connection among fossil fuel production and consumption, rising global temperatures and the emergence of extreme weather, from severe drought to superstorms.

The Philippines, which faces on average 20 typhoons each year, ranks near the top among countries most at risk from global warming's impacts.

Haiyan, which unleashed winds up to 195 miles per hour, was the deadliest typhoon in a century for the Philippines. It led Greenpeace, 13 other community and environmental groups and 18 individuals to ask the commission to launch an investigation 3 years ago.

We are "moving into an uncharted territory," said John Knox, who until recently was the UN special rapporteur on human rights and the environment. "The Philippines is already experiencing this future through Haiyan and other events."

The commission also heard from other scientific and legal experts, including Brenda Ekwurzel from the Union of Concerned Scientists, Katherine Loftis at the Centre for International Sustainable Development Law, Kert Davies from the Climate Investigations Center and Sharon Eubanks, a former U.S. Department of Justice attorney who led the successful case against the tobacco industry. Two Filipino Americans who live in New York City also recounted their experiences living through superstorm Sandy, which pummeled the city in 2012.

Knox outlined the key points in the U.N. Principles on Business and Human Rights, which spelled out the responsibilities of corporations to protect human rights and remedy violations. Cadiz asked Knox whether those principles should compel the fossil fuel and cement companies under investigation to appear at commission hearings.

"This is an extremely important opportunity for corporations to show good faith and concerns about human rights by cooperating with you," Knox said.