



Photo from the Local Government of Salcedo

ENFORCING ACCOUNTABILITY: HOLDING FOSSIL FUEL COMPANIES LIABLE FOR THE CLIMATE CRISIS

Unveiling loss and damage from extreme weather events
in Salcedo, Eastern Samar

The Philippines is considered to be among the top ten countries worldwide most severely affected by the climate crisis, with impacts compounded by extreme weather as well as rising sea levels and other, slow onset events that have ramifications for people across the archipelago, most particularly for those whose subsistence directly relies on the sea, the rivers, and the land.¹ The trail of destruction brought on by Super Typhoon Yolanda (international name: Haiyan), which made landfall in Eastern Samar, Philippines on 8th November 2013, exemplifies the wide range of implications of such extreme weather events.² Ten years later, there has yet to be a comprehensive redress for the thousands of lost lives and countless others who survived but for whom the consequences of dispossession remain.³ Nevertheless, the reality is that this was not a one-off, isolated incident which residents of affected areas have had to recuperate from. Instead, repeated, consecutive extreme weather events over the past decade have continued to take a toll on the very same communities, often exacerbating survivors' experiences of economic, social, psychological, and cultural losses.⁴

Far too often, providing support required for recovery from the disastrous impacts of climate change-induced extreme weather events is framed as a matter of short-term, timebound aid from government authorities or international donors to affected community members.⁵ Yet, at the core, there are critical questions of justice and equity that cannot be erased, with structural and systemic conditions that have profound implications on survivors' access to water, sanitation, food, health, housing, as well as means for sustaining a dignified livelihood and space to assert agency.⁶ Ultimately, a comprehensive, long-term response to the climate crisis and the associated human rights harms requires remedy and redress, as opposed to the mere distribution of one-time voluntary relief packages.⁷ This can only happen by holding actors responsible for the climate crisis to account, particularly corporations that derive their primary incomes from extracting and burning crude oil, coal, and gas.⁸

In an effort to bring national and international attention to these issues, climate change-impacted

individuals, supported by Greenpeace Southeast Asia along with several civil society organizations in the Philippines, filed a petition at the Philippine Commission on Human Rights (CHR) in 2015 calling for a comprehensive investigation into how the world's biggest investor-owned crude oil, gas, coal, and cement companies, identified collectively as "Carbon Majors," may be held liable for climate change impacts leading to a wide range of human rights harms to Filipinos, including in relation to life, health, food, water, and housing.⁹ In response to the petition, the CHR undertook the National Inquiry on Climate Change (NICC) with a mandate to gather information not only within the Philippines but also internationally.¹⁰ The NICC released its final report in May 2022, in which it articulated in clear, unequivocal terms the profound human rights implications of climate change both in the Philippines but also globally,¹¹ the significant contributions—historical and ongoing—of international oil, coal, and gas corporations to the climate crisis, their role in "willful obstruction and obfuscation to prevent meaningful climate action"¹² over the past six decades that has been driven "not by ignorance, but by greed,"¹³ and the need to hold them accountable, including for remedy and redress.¹⁴

The preliminary findings in this briefing build on this understanding by focusing on the impacts of repeated extreme weather events as experienced by community members in Salcedo Municipality, in the province of Eastern Samar, Philippines. An overview of the connections between the everyday lived experiences of residents in Salcedo in the context of climate change and an initial analysis of the need to address those impacts from a human rights perspective follows.

SCOPE AND LIMITATIONS: Information outlined in this briefing is culled from desk-based research and statistical data provided by local government offices of Salcedo Municipality, along with responses received during first-hand interviews, surveys, focus group discussions, and meetings with residents as well as local government officials carried out by Greenpeace Philippines during late 2023 in Salcedo. Due to time and space constraints, the narratives presented in this policy brief present a partial snapshot of the information shared by residents.

In the process of undertaking this effort, critical gaps in existing knowledge and research presented limitations, in particular because non-economic losses and damages¹⁵ appear to have been left largely unaccounted for (in contrast to annual data calculations that estimate economic losses incurred), despite being highlighted by residents as having significant bearing on their lives.¹⁶ In addition, clear, comprehensive longitudinal data on recovery and adaptation spending does not yet exist. Compiling, comparing, or contrasting local level data even over the past ten years is made difficult—if not impossible—by both the lack of data along with changing templates and measurement units used by local government authorities over this time. These limitations are true for many municipalities in the country. Ultimately, there is a need for more data and research that can quantify losses and damages beyond valuations after extreme weather events to include quantifying knock-on effects from these extreme weather events.

SALCEDO, EASTERN SAMAR: Confronting climate-related risks and harms head-on

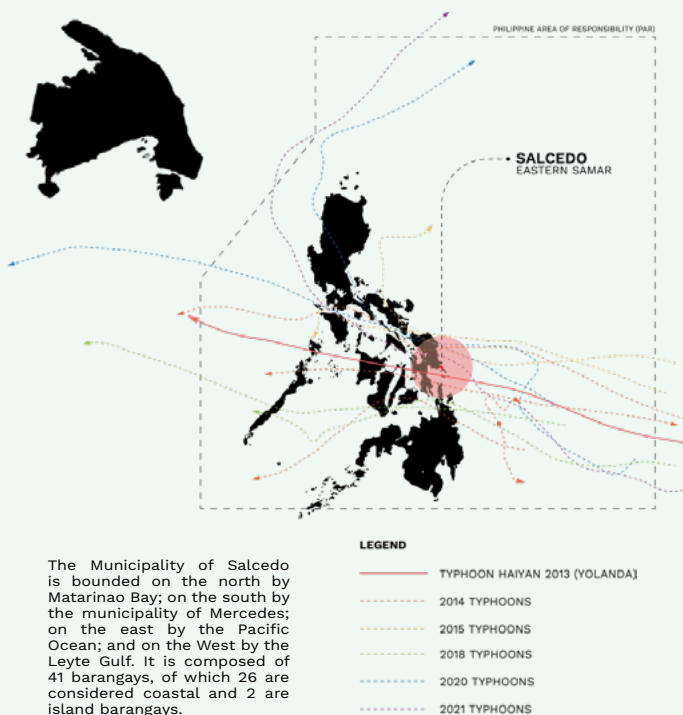


Figure 2. Extreme Weather Event (EWE) Tracks over Salcedo, Eastern Samar since Haiyan (Yolanda) to present

Eastern Samar is considered to be among the provinces in the Philippines hardest hit by climate change impacts because of its location which faces the Pacific Ocean, along typhoon paths, with for example, several intense tropical cyclones making landfall over the past decade.¹⁷ Climate projections undertaken by the Philippine government indicate an increase of instances of extreme heat and less frequent but intense periods of rain in the area.¹⁸ The heavy toll of climate change-induced impacts directly affects the lives of residents, most acutely for the approximately forty percent who are considered as living below the poverty line (as of 2021).¹⁹ This is exacerbated by a situation in which households are burdened by the need to deal with repeated losses and compounded damages from climate change-induced extreme weather events and slow onset events, including significantly decreased incomes from small-scale agricultural production and fish catches due to extreme weather variability, most especially rising temperatures.²⁰

One municipality bearing the brunt of these impacts is Salcedo. Here, typhoons are currently considered high-risk across all barangays, according to the Municipal Disaster Risk Reduction Management Plan (MDDRMP). The municipality experiences an average of five or six extreme weather events annually, at least one or two of which typically cause significant damages and claim human lives.²¹ Nevertheless, Super Typhoon Yolanda remains a key reference point in the collective history of the Municipality because

of the extreme levels of lasting destruction it caused. Immediate damages amounted to nearly PHP 2.8 billion in Salcedo alone.²²

As mandated by law,²³ Municipality allocates 5% of its annual budget to the Local Disaster Risk Reduction and Management Fund (LDRRMF).²⁴ However, the actual amount in monetary terms is highly limited in comparison to the vast economic and non-economic damages that have accumulated because of repeated extreme weather events over the past decade. For instance, local government data estimated that over the course of 2019-2022, damages in agriculture, infrastructure, livestock, and fisheries from six different typhoons, amounted to at least three times what was possible to recuperate through allocating funds from available sources.²⁵

The uncertainty brought by more unpredictable and intensifying tropical cyclones has meant that local governments have found it difficult to plan ahead and anticipate the economic damages that may result from climate-induced extreme weather and rising sea levels.²⁶ Local decision-makers also reported facing constraints on fund disbursement in preparation for extreme weather due to national laws that can delay spending until a state of calamity is already declared. They explained that it can take between three and four days for damage reports to be completed, which results in critical delays when responding to the immediate needs of communities.²⁷

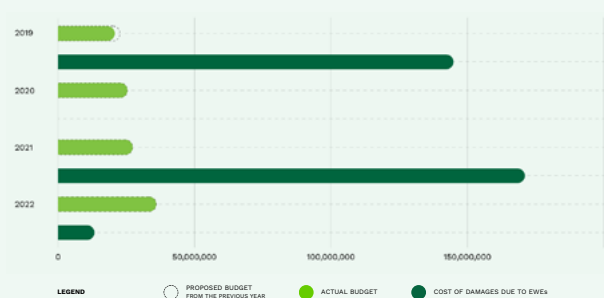


Figure 3. Costs of damages of EWEs vis-a-vis funding for climate-related projects and recovery costs of Salcedo

SUPER TYPHOON YOLANDA

A study²⁸ by a group of scientists attempting to trace if Super Typhoon Yolanda can be attributed to climate change found that 2013 was significant, appearing to mark the “start of a new trend or shift in TC [tropical cyclone] characteristics (which we will only know after a few more years)” and that the typhoon’s “occurrence signifies that there is still much to learn about tropical cyclones and the impending impacts of climate change in general.”²⁹

IMPACTS OF TYPHOON HAIYAN AND SUBSEQUENT EXTREME WEATHER EVENTS: Testimonies of Salcedo Residents

RIGHTS TO LIFE AND HEALTH

Extreme weather events have a severe effect on peoples' rights to life, with Super Typhoon Yolanda being no exception: the nationwide toll was over 6,300 people reported dead, over 1,000 missing, and 28,000 injured.³⁰ Over the past decade since then, other extreme weather events as well as accompanying storm surges and flash floods have led to loss of lives across the country.³¹ In Salcedo, Super Typhoon Yolanda claimed the lives of 29 people, and injured more than 846.³²

In the aftermath of Super Typhoon Yolanda and in the years following it, key issues raised by residents and barangay and municipal officials when considering rights to life and health included the following:

- Destruction of municipal and barangay health centers in the aftermath of Yolanda resulted in delays and complications to administering critical care and responding to injuries;
- Since healthcare workers are also affected by extreme weather events, they bear both personal and professional care-giving responsibilities along with matters of their own survival, resulting in overstretched capacities;
- Repeated impacts from climate extremes place strains on the healthcare system, but due to chronic inadequacies in financing, there are major limitations on support that can be offered to the population, despite the needs which exist given peoples' exposure to the weather (whether typhoons or extreme heat) while fishing and farming;
- Increase in respiratory, cardiovascular, and other chronic diseases; higher incidences of transmission of food and waterborne diseases; and outbreaks of insect borne diseases such as dengue are more prevalent than in the past, and are associated with changing climate conditions; and
- Health impacts associated with trauma are considered top concerns and, according to a majority of those involved in interviews, focus group discussions, and surveys, these affect all generations, leading to depression, sleepless nights, and a sense of being overwhelmed by the sheer effort of rebuilding one's life. Parents have also reported some children being in an ongoing state of fear related to the impacts of possible future extreme weather events.



Simplicio Calicoy, 66, marked his 56th birthday in Maliwaliw Island on November 8, 2013, the day Haiyan made landfall. Trying to pull his wife to safety amid the strong winds and rain, wayward debris hit his eye and it would never recover. ***Despite managing to get to Manila and having a chance for at least a glass eye prosthetic, “Simboy” chose to risk infecting his eye further by promptly returning to fishing in Maliwaliw for income, and channeling what was supposed to be the cost of traveling back to Manila into the reconstruction of his home destroyed by the typhoon.***

“My vision in my right eye was already blurred, it couldn't see anything anymore. But I said, ‘what's important was [that we're] alive,’” he said in Waray.



At the center, a house devastated by Haiyan stands frozen in time at the shoreline of Maliwaliw Island, Salcedo. After the storm, fisherfolk and their families were forced to abandon their homes near the coast and relocate to an upland settlement on the island, where they still reside today.

RIGHTS TO LIVELIHOOD, FOOD, AND HOUSING

During the consultation and data-gathering process, it became evident that individuals bore the brunt of risks and harms not only during the onset of climate impacts but also in their day-to-day lives. An overwhelming majority of respondents reported a substantial decrease in their incomes because of extreme weather. The significant impacts of repeated extreme weather events on access to food was also highlighted by Salcedo residents, specifically due to the fact that their livelihoods and sustenance depend upon small-scale fishing and household farm plots. Many also alluded to the destruction of their homes caused by Super Typhoon Haiyan and subsequent typhoons over the years, forcing people to repair and rebuild housing structures on an ongoing basis.³³

Residents, local government representatives, and key informants who spoke with Greenpeace explained the following:

- In the past, residents in coastal areas considered fishing a sustainable way of life. But over the past ten years, they say that daily fish catches have been decreasing (according to over half of the respondents), while prices of marine produce continue to increase;
- Decreased fish populations were thought to be connected to the migration of fish to deeper waters to escape the surface heat, the increasing unpredictability of the weather, and the destruction of corals once teeming with fish due to strewn debris and rocks;
- Periods of extreme heat along with changing wind patterns have intensified, requiring adjustments

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The repair of our house is still ongoing....
The assistance that you will receive when the entire roof was damaged is 10,000[PHP], but the truth is our expenses here are around 150,000 [PHP].

– RESIDENT, POBLACION BARANGAY
(TRANSLATED FROM WARAY)

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such as shortening fishing trips or fishing at night in order to avoid the extreme heat (despite risks associated with venturing out to sea in the dark);

- Fishing boats and nets were damaged in severe storms, requiring repeated purchases or investments in repairs;
- Mending fishing nets at night was preferred to avoid the daytime heat, but this also meant an increase in electricity bills because of light usage at night;
- Due to the fear that typhoons, heavy rains, or extreme heat could all lead to damaged crops, many families were planting less crops in an attempt to avoid wasted efforts and capital;
- Engaging in alternative livelihood activities (other than fishing and small-scale farming) was seen as a way to augment family incomes; and
- Efforts to repair housing structures damaged by Super Typhoon Yolanda continue. Even though some families were able to rebuild their homes after Yolanda with the help of housing assistance, many have had to rely on their own resources and incurred large debts for the reconstruction of their homes, while some have resorted to using post-typhoon debris.

RIGHT TO SELF-DETERMINATION AND DEVELOPMENT

According to data analyzed by the World Meteorological Organization, over the past half-century, 90% of recorded deaths and 60% of economic losses from climate impacts occurred in the Global South³⁴, leading to a severe impact on the health and well-being of populations of entire nations, including for instance, the Philippines.

Furthermore, it is noteworthy that the push for the right to development to be legally binding has gained traction at the United Nations. This right, according to UN Rapporteur Surya Deva, necessitates “planet-centered participatory development” and the abandonment of the “shareholder primacy model—

which pushes many companies to take decisions that harm people or the planet.”³⁵

The Final Report of the National Inquiry on Climate Change asserted the following:

“Climate change prevents the realization of the right to self-determination and development when victims thereof are trapped in an endless cycle of dealing with its adverse impacts. Their Lives are spent surviving one climate change impact to another, effectively nullifying any opportunity they may have to participate in, contribute to, enjoy and pursue their political, economic, social and cultural development.”

In this regard, residents from Salcedo who spoke with Greenpeace reflected on similar types of constraints and considerations, for example reporting:

- Feeling as though they were consistently living in a state of precarity, uncertain when another major typhoon may make landfall;
- Seeking loans to pay for the increased costs of living, despite such actions typically resulting in people becoming trapped in a cycle of debt;
- An intense level of economic pressure which for some has led to a “constant fear of eviction” or a feeling of being compelled to engage in criminalized acts as a means of survival, such as sex work;
- Making a range of preparations for future extreme weather events, including borrowing of money, as an attempt to avoid the humiliation or sense of indebtedness arising from the availing of relief in the future;
- The need for aid distribution to be distributed equitably, especially because for some, aid handouts signified a reinforcement of power imbalances within the community, depending on whether one was in a position to give or receive aid.

With incomes that can barely support our families, most of us find ourselves compelled to borrow money from fish traders, agreeing to the condition that we sell our catch to them.

We repay these debts by deducting a portion from our earnings every time we sell our fish to a trader. The daily loan payment amount varies based on the volume of fish caught.

– RESIDENT, MALIWALIW
(TRANSLATED FROM WARAY)

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Children will not survive without food, so if there's nothing to harvest because the crops were destroyed by the calamity, you might be forced to borrow money. The problem is, if you borrowed 1,000 pesos in a year, you have to pay back 2,200 pesos. If you're just farming, you won't immediately harvest the products, and it will take four months before you can harvest.

– RESIDENT, JAGNAYA - MATARINAO CLUSTER
(TRANSLATED FROM WARAY)

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RIGHT TO EDUCATION

According to the final report of the National Inquiry on Climate Change, during Super Typhoon Yolanda, approximately 3,000 schools and day care centers were damaged or destroyed,³⁶ undermining children's rights to quality, accessible education as well as affecting their access to needed caregiving support. In Salcedo, residents reported:

- Facing challenges to pay for costs associated with ensuring their children attended school, including transportation and daily allowances;
- At times being no longer in a position to afford to support their children to continue their studies;
- Interruptions of classes during and in the aftermath of Super Typhoon Yolanda and other extreme weather events, classes were interrupted, with some school buildings being damaged, while others were used as evacuation centers; and
- A significant drop in students' academic performance correlated with the timing of Super Typhoon Yolanda (according to a Department of Education spokesperson).

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*Yolanda severely affected us due to the loss of our source of income. **Our children had to discontinue their studies because they lacked the necessary allowance for daily transportation, food, and other school needs, which forced them to stop.***

– RESIDENT, ASGAD
(TRANSLATED FROM WARAY)

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OTHER RIGHTS IMPACTED BY THE CLIMATE CRISIS

RIGHT TO A HEALTHY ENVIRONMENT

In July 2022, the United Nations General Assembly issued a landmark resolution recognizing the right to a healthy environment. The substantive elements of this right include “clean air; a safe and stable climate; access to safe water and adequate sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study, and play; and healthy biodiversity and ecosystems.”³⁷ In addition, the UN Human Rights Council established the mandate for a *Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy, and Sustainable Environment* to “examine the human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment to promote best practices of the use of human rights in environmental policymaking and to identify challenges and obstacles to the global recognition and implementation of such rights, and to conduct country visits and respond to human rights violations.”³⁸

In the Philippines, the right to a balanced and healthful ecology can be found in Article II, Section 16 of the

Constitution, which confirms that “[t]he State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.” Importantly, the right to a healthy environment can provide legal grounding for seeking redress for climate-related harms.

RIGHT OF FUTURE GENERATIONS

The United Nations Committee on the Rights of the Child urged nations to urgently act on children’s rights and focus on climate change, stating that, “the climate crisis is a child rights crisis.” Paloma Escudero, UNICEF Special Adviser on Advocacy for Child Rights and Climate Action, said that every government has the obligation to protect the rights of every child on Earth, particularly those living in nations that have contributed the least to the problem but are subjected to the most dangerous floods, droughts, storms, and heat.³⁹

According to the UN’s ‘The Climate Crisis Is a Child Rights Crisis: Introducing the Children’s Climate Risk Index’ report, young people in the Philippines are among those most vulnerable to the effects of climate change, which endangers their health, education, and safety.⁴⁰



*“The costs of anthropogenic climate change are chiefly borne by states that compensate their own citizens harmed by climate impacts or contribute to international adaptation finance, by insurance companies with regard to their insureds, and by uncompensated victims of climate change. We argue that other agents bear substantial responsibility for the cost of redressing climate harm: the companies that engage in the exploration, production, refining, and distribution of oil, gas, and coal. **The recent progress in climate attribution science makes it evident that these companies have played a major role in the accumulation and escalation of such costs by providing gigatonnes of carbon fuels to the global economy while willfully ignoring foreseeable climate harm.**”*

– Time to pay the piper: Fossil fuel companies’ reparations for climate damages, Marco Grasso and Richard Heede⁴¹

THE RESPONSIBILITY OF CARBON MAJORS FOR IMPACTS OF THE CLIMATE CRISIS ON COMMUNITIES

There is a growing global consensus that Carbon Majors can and must be held liable for remedying the harm, damage, and losses they have caused through their business operations, specifically in relation to the exacerbation and acceleration of the climate crisis. Indeed, according to peer reviewed estimations, the top twenty-one fossil fuel companies alone, including Shell, Chevron, ExxonMobil, British Petroleum, and TotalEnergies, can be considered responsible for a total of 35.9% of global greenhouse gas emissions from 1988-2022.⁴² Paying for the corresponding harm wrought on entire populations living in countries and

regions most vulnerable to climate change impacts is estimated to reach in the range of trillions of dollars.⁴³ This figure does not yet include the vast range of incalculable non-economic losses.

It is in this context that communities and civil society groups are increasingly taking action to hold Carbon Majors legally accountable for human rights harms and the climate crisis, while issuing clear demands for reparative justice. This upwards trend has been noted by the UN Environmental Program, which to date has recorded 2,180 cases in 65 jurisdictions.⁴⁴

A notable case with similarities to the situation faced by coastal communities here in the Philippines is a civil action suit launched by residents of Pari Island, Indonesia in January 2023 and filed in Swiss Courts against one Carbon Major company, Switzerland's Holcim. Pari Island is only four kilometers long and a few hundred meters wide, with the highest point only reaching three meters above sea level. The majority of Pari Island is expected to be inundated by 2050 due to rising sea levels, threatening the very survival of the approximately 1500 people who call it home. Given the recognition of the role of Carbon Majors such as Holcim as culpable for the lived impacts of climate change, and the lack of willingness of these companies, including Holcim, to wind down production consistent with what would be required to limit global heating to 1.5C, the residents are working with national and international organizations to advance their case through the Swiss court system.

The plaintiffs are calling on Holcim to:

- Compensate the residents of Pari proportionally for the harm they have suffered as a result of global warming;
- Reduce carbon dioxide emissions by 43% in 2030 and 69% by 2040< relative to 2019 levels; and
- Bear some of the cost of the climate change adaptation measures—such as contributing to the building of dikes and breakwaters—in Pari.⁴⁵

Here in the Philippines, as outlined above, the corporate liability and accountability of Carbon Majors have also been affirmed in the conclusions of the CHR human rights and climate change report.

Meanwhile, at the international level, the UN Human Rights Council approved the Mandate of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change in 2021, reinforcing the recognition of the profound implications of climate change on the realization of human rights, while also calling upon the incoming Special Rapporteur to “work closely with States and relevant stakeholders, including business

enterprises, both transnational and others, to adopt a human rights perspective in accordance with the Guiding Principles on Business and Human Rights to mitigate potential adverse effects of their activities, including investment projects, on human rights in the context of climate change.”⁴⁶

The evolving jurisprudence drawing the connections between the climate crisis, human rights harms and injustice, and the liability of Carbon Majors is creating precedents that municipal, provincial, or national government representatives here in the Philippines alongside community members can build upon.

“Big Oil’s lies and cover ups have caused ongoing climate disasters that have imposed billions of dollars of costs on Californians. We should not have to foot the bill alone while oil companies profit.”

— People of the State of California v. Big Oil⁴⁷

Legal cases highlighting the systematic greenwashing carried out by Carbon Majors and the wide range of implications for people, the ecological commons we depend upon, and the climate are also increasingly being launched in national courts of law. For example, in September 2023, a legal suit was launched by the Governor of the State of California and the state’s Attorney General against five Carbon Majors (ExxonMobil, Shell, Chevron, ConocoPhillips, and British Petroleum) for “creating, contributing to, and/or assisting in the creation of state-wide climate change-related harms in California.”⁴⁸ The American Petroleum Institute, an oil and gas trade association, was also included in the complaint. All six named entities stand accused of implementing a “climate deception campaign, and aggressive promotion of the use of fossil fuel products while knowing the dangers associated with them.”⁴⁹ In this instance, the court is being called upon to compel the respondents to (i) compensate for damages due to climate impacts, (ii) take measures to help resolve these impacts, (iii) pay penalties for deceptive actions and misinformation, and (iv) provide punitive damages from their misconduct. The court is also being asked to take actions that would restrain these specific Carbon Majors from further exacerbating impacts on residents living within the geographical bounds of the state. Initial proceedings are still underway.⁵⁰

According to the State’s website: **The suit demands that oil companies pay their fair share for:**

- Recovery efforts from climate change-induced superstorms and wildfires;
- Protecting people from the health impacts of extreme heat;
- Managing dwindling water supplies in extreme drought;
- Fortifying infrastructure and homes against sea level rise and coastal and inland flooding.⁵¹

The experiences of residents living in coastal areas such as Salcedo are reflective of the ways climate change has very real impacts on the rights to life, health, livelihood, food, housing, education, self-determination, and development, and also impacts other rights such as the right to a healthy environment and the right of future generations. Crucially, preparing such documented evidence is a first step toward pursuing claims that hold Carbon Majors accountable for loss and damages.⁵² The articulation of climate change-related human rights concerns by residents of barangays like those in Salcedo also poses a critical challenge for policy and decision makers, upon whom it is incumbent to regulate the operations of Carbon Majors, taking all steps possible to ensure the recommendations outlined by the most recent reports of the intergovernmental Panel on Climate Change—including but not limited to the goal to avert overshooting catastrophic heating thresholds above 1.5C—are not undermined.

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For the people who are immensely contributing to climate change: They shouldn’t just think about themselves and their profit.

They should also think for us and our children who will inherit the next generation, of what the future holds.

— RESIDENT, MALIWALIW

(TRANSLATED FROM WARAY)

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Seen through the lens of corporate accountability, the realities expressed by residents in Salcedo have broader implications, both at the municipal and national level. Most particularly, the discussions with residents and local government representatives have shed light on the limited reporting of nuanced inter-related human rights harms connected to extreme weather and slow onset events. In turn, this appears to have resulted in significant blindspots that remain unaddressed by current government disaster risk and recovery programs as well as corresponding funding allocations, including but not limited to (i) the need for a rights-based approach which is centered on principles equity and reparative justice when addressing the impacts of climate change induced extreme weather and slow onset events, (ii) lack of comprehensive consideration of non-economic losses and damages, and (iii) the absence of recognition of the need for financing anticipatory planning as critical aspect of preparing for future climate crisis induced impacts.

Looking ahead, it will be important to consider how rights-based climate policies and programs can be established and implemented across the country that take into account the breadth of the challenges faced by diverse populations in the midst of intensified extreme weather and slow onset events. It will also be crucial for national governmental bodies to implement an inclusive, participatory process to plan and establish functioning mechanisms by which communities and government officials could hold Carbon Majors accountable for the historic and ongoing harms, losses, and damages inflicted.

Greenpeace Calls

Fossil fuel companies must:

- Acknowledge their disproportionate role in historical carbon emissions and commit to a just transition away from fossil fuels;
- Stop all fossil fuel expansion; and
- Pay reparations for the economic and non-economic losses and damages caused by climate impacts.

The Philippine Government must:

- Demand reparations from fossil fuel companies and rich nations alike, and
- Call for and commit to a just transition away from fossil fuels.



*My suggestion for the people contributing to this excessive heat is that **they should not just think about their income, but they should also consider the future of our planet**, not just the Philippines but throughout the world. Because we don't only live for ourselves, we also need to think about the generations that will come after us, to prevent our systems from breaking down today. How will our children live in the future?*

We can see now how we struggle today, including our children. How much more if these conditions continue?

– RESIDENT, MALIWALIW

(TRANSLATED FROM WARAY)



Further to the calls above, Greenpeace additionally recommends the following actions:

For Local Government Units (LGUs) to:

- Craft policies and institute mechanisms that would hold Carbon Majors accountable and enable the LGU to demand payment for losses and damages, as well as facilitate the development of initiatives with a mandate to investigate human rights harms of climate impacts on residents and consider appropriate redress mechanisms;
- Explore options for pursuing Carbon Major

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[O]ur policymakers [should] take steps and hold those who should be accountable for causing climate change and its impacts on ordinary people like fishermen. They should think of the fastest way to stop or mitigate the extreme effects on our planet. To those contributing to climate change, please consider those people or countries who are being adversely affected, like the Philippines. They should take steps to mitigate these impacts, especially for us fishermen and farmers, who have no other source of livelihood except by depending on natural resources. We need these highly developed countries, those massive contributors, to help us because if not for them, we would not be suffering these impacts.

– RESIDENT, MALIWALI
(TRANSLATED FROM WARAY)

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accountability through legal means, grounded in a rights-based approach with appropriate remedies centered on the reparation from both economic and non-economic loss and damage;

- Establish a safe, inclusive, and participatory planning and budgeting mechanism, supporting participatory monitoring initiatives as well as implementation of Programs, Projects, and Activities (PPAs) involving people's organizations and civil society organizations;
- Incorporate rights-based programs that aim to address losses due to climate-induced impacts, such as alternative livelihood programs in long-term, post-disaster recovery with an emphasis on dignified working conditions, and non-debt creating mechanisms to ensure that individuals do not have compounding financial responsibilities on top of recovery; and
- Support the global call for a loss and damage facility at the UNFCCC that is independent, with financing available that is additional, accessible, accountable, non-debt creating, and grounded in international human rights principles.

For the National Government to:

- Urgently pass national legislation for Carbon Major accountability focusing on strong regulations on activities that contribute to the climate crisis and ensuring payment mechanisms from carbon majors and other climate polluters for losses and damages from climate impacts, and for continued greenhouse gas emissions. This mechanism must be grounded in the polluter pays principle to ensure reparations are facilitated and made accessible to communities;
- Initiate and support calls at the global and regional level to make Carbon Majors pay

reparations for the harms and damages caused by their continued as well as historic operations;

- Ensure that institutional support is provided for local government officials to monitor the human rights impacts of the climate crisis and both public as well as private sector 'just transition' plans;
- Consistently endorse and uphold—while avoiding any action which would undermine—options for a global loss and damage facility that is independent, with financing available that is additional, accessible, accountable, non-debt creating and grounded in international human rights principles;
- Align the Philippine Energy Plan and the Philippine Development Plan with the goal of the Paris Agreement to keep global temperature rise within 1.5C, and accordingly reflect this in the country's Nationally Determined Contributions;
- Initiate an urgent and just energy transition and chart a roadmap for a 100% RE Philippines, starting with canceling all fossil fuel expansion and working toward a managed rapid phaseout of existing fossil fuel facilities, alongside facilitating the massive growth and development of indigenous renewable energy sources; and
- Establish clear, binding measures that recognize, respect, and protect the work of environmental and human rights defenders through the strengthening and passing of the Human Rights Defenders Protection Act that is in line with the provisions of the UN Declaration on Human Rights Defenders, establishing legislation to prohibit strategic lawsuits against public participation (SLAPP suits), and implementing properly funded independent protection mechanisms that guarantee the rights of defenders.



Endnotes

- 1 See: "Global Climate Risk Index" Reports published annually 2012-2021 by Germanwatch E.V. <<https://www.germanwatch.org/en/crisi>>.
- 2 See for example: NDRRMC. Final Report re Effects of Typhoon "Yolanda" (Haiyan). November 2013. <https://web.archive.org/web/20201105102044/http://ndrrmc.gov.ph/attachments/article/1329/FINAL_REPORT_re_Effects_of_Typhoon_YOLANDA_HAIYAN_06-09NOV2013.pdf>.
- 3 Commission on Human Rights. May 2022. National Inquiry on Climate Change Report. <<https://chr.gov.ph/nicc-2/>>.
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- 5 See for instance: Nicole Curato. (2018) Beyond the spectacle: slow-moving disasters in post-Haiyan Philippines. In: Critical Asian Studies, 50:1. 2018 (58-66).
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- 9 Greenpeace Philippines. 2022. The Climate Change & Human Rights Inquiry Archive. <<https://www.greenpeace.org/philippines/the-climate-change-human-rights-inquiry-archive/>>.
- 10 Commission on Human Rights. May 2022. National Inquiry on Climate Change Report. Esp. see: pgs 10-12.
- 11 Ibid. See: pgs 32-69.
- 12 Ibid. See: pg 104.
- 13 Ibid. See: pg 110.
- 14 Ibid. See: pgs 110-14.
- 15 Non-economic loss and damage is explained in detail in the 2022 Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change, specifically in Chapter 8 on "Poverty, Livelihoods and Sustainable Development" (Climate Change 2022 Report on Impacts, Adaptation and Vulnerability). <<https://www.ipcc.ch/report/ar6/wg2/chapter/chapter-8/>>.
- 16 Based on analysis by Greenpeace Philippines researchers from eleven Focus Group Discussions with community members, one Focus Group Discussion with Salcedo Department Heads, four key informant interviews and 353 survey questionnaires (covering twenty-nine barangays) October 2023.
- 17 PAGASA. 2020. Philippine Climate Extremes Report 2020 <https://pubfiles.pagasa.dost.gov.ph/pagasaweb/files/climate/Philippine_Climate_Extremes_Report_2020_Full_Report.pdf>. See also: PASASA's website section "About Tropical Cyclones". <<https://www.pagasa.dost.gov.ph/information/about-tropical-cyclone>>.
- 18 Ibid.
- 19 Philippine Statistics Authority. 2022. Poverty Situation in Eastern Visayas (Full Year 2021): <<https://rso08.psa.gov.ph/article/poverty-situation-eastern-visayas-full-year-2021#sthash.2VmGK4k5.dpbs>>.
- 20 Concerns as expressed in Greenpeace Philippines Focus Group Discussions with Department Heads. October 2023.
- 21 Municipality of Salcedo. 2018. Municipal Disaster Risk Reduction Management Plan (2018-2022). <<https://salcedoeasternsamar.gov.ph/wp-content/uploads/2020/08/Salcedo-MDRRM-Plan-2018-2022.pdf>>.
- 22 According to the Municipality of Salcedo's "Municipal Contingency Plan For Typhoon/Storm Surge/ Flooding and Rain-Induced Landslide," published in 2018, Typhoon Haiyan caused "100% damage in infrastructure including school and government buildings; 5% partially damaged and 95% totally damaged private houses. Estimated damage cost amounted to a total of Php 2,799,070,000.00" (pgs 11-12). <<https://salcedoeasternsamar.gov.ph/wp-content/uploads/2020/08/Salcedo-Contingency-Plan-for-Typhoon-Storm-Surge-and-Flooding-2018.pdf>>. Notably, this figure covers damages attributed in the direct aftermath of the typhoon; it does not account for long term, ongoing impacts nor does it account for non-economic losses. It is also not adjusted for inflation.
- 23 Philippine Disaster Reduction and Management Act (Senate of the Philippines Republic Act 10121). 2010. <<https://issuances-library.senate.gov.ph/sites/default/files/2023-02/ra%252010121.pdf>>.
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- 25 Datasets sourced from the Municipality of Salcedo. 2023. (Accounting Office, Budget Office, Office of the Municipal Agricultural Services, and the Municipality's Annual Budget 2018-2021. Appropriation versus Actual Expenditure).
- 26 Concerns as recorded by Greenpeace Philippines during focus group discussions with Salcedo LGU Department Heads in October 2023.
- 27 Concerns as recorded by Greenpeace Philippines during focus group discussions with Salcedo LGU Department Heads in October 2023.
- 28 Primo et. al. 2013. A Manifestation of Climate Change? A Look at Typhoon Yolanda in Relation to the Historical Tropical Cyclone Archive. In: Science Diliman. July-Dec 2013. 25:2 (79-86). <https://www.researchgate.net/publication/303289569_A_Manifestation_of_Climate_Change_A_Look_at_Typhoon_Yolanda_in_Relation_to_the_Historical_Tropical_Cyclone_Archive>.
- 29 Commission on Human Rights. May 2022. National Inquiry on Climate Change Report. <<https://chr.gov.ph/nicc-2/>> (See: pg 36).
- 30 Ibid. (See esp: pgs 38; 54-56).
- 31 See: Municipality of Salcedo. 2018. Municipal Contingency Plan For Typhoon/Storm Surge/ Flooding and Rain-Induced Landslide (pg 11). <<https://salcedoeasternsamar.gov.ph/wp-content/uploads/2020/08/Salcedo-Contingency-Plan-for-Typhoon-Storm-Surge-and-Flooding-2018.pdf>>.
- 32 In Salcedo, when Typhoon Haiyan hit, the majority of private housing relied upon by nearly 22,000 people was considered totally demolished, with the remaining 5% considered partially destroyed according to the 2018 "Municipal Contingency Plan for Typhoons, Storm Surge,

- and Rain-induced Landslide" (pgs 11-12). In this regard, the Commission on Human Rights' Final Report of the National Inquiry on Climate Change also noted the reality that families may end up in a situation of repeatedly rebuilding their homes due to the impacts of consecutive typhoons and storm surges and estimated that at least 60% of the entire population of Filipinos are threatened with displacement and homelessness due to the location of housing along the coastlines (pgs 49-52).
- 33 Ibid. pg 54.
- 34 World Meteorological Organization. 31 August 2021. Press Release: "Weather-related disasters increase over past 50 years, causing more damage but fewer deaths". <<https://public.wmo.int/en/media/press-release/weather-related-disasters-increase-over-past-50-years-causing-more-damage-fewer>>.
- 35 United Nations General Assembly. 13 Oct 2023. Seventy-Eighth Session, 20th and 21st Meeting Coverage: "Third Committee Underscores Need for Legally Binding Tool to Enforce Right to Development, Unrealized by Millions Worldwide, Directed Also at Businesses." (GA/SHC/4383). <<https://press.un.org/en/2023/gashc4383.doc.htm>>.
- 36 Municipality of Salcedo. 2018. Municipal Contingency Plan For Typhoon/Storm Surge/ Flooding and Rain-Induced Landslide. See esp. pgs 104-110.
- 37 UN Office of the High Commissioner for Human Rights, UN Environment Program and UN Development Program. Jan. 2023. Information Note: What is the Right to a Healthy Environment? <<https://www.undp.org/sites/g/files/zskgk326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-right-to-a-Healthy-Environment.pdf>>.
- 38 UN Office of the High Commissioner for Human Rights. Special Rapporteur on Human Rights and the Environment Website. <<https://www.ohchr.org/en/special-procedures/sr-environment>>.
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- 40 UNICEF. August 2021. The Climate Crisis is a Child Rights Crisis: Introducing the Children's Climate Risk Index. <<https://www.unicef.org/reports/climate-crisis-child-rights-crisis>>.
- 41 See for example: Marco Grasso and Richard Heede. May 2023. Commentary: Time to pay the Piper: Fossil Fuel Companies' Reparations for Climate Damages. One Earth: Cell Press. <[https://www.cell.com/one-earth/pdf/S2590-3322\(23\)00198-7.pdf](https://www.cell.com/one-earth/pdf/S2590-3322(23)00198-7.pdf)>.
- 42 Ibid.
- 43 Ibid.
- 44 See: UNEP. Global Climate Litigation Report: 2023 Status Review. July 2023 <<https://www.unep.org/resources/report/global-climate-litigation-report-2023-status-review>>. See also for instance the 2023 report to the UN General Assembly of the Special Rapporteur on the Promotion and Protection of Human Rights in the context of climate change on the theme "Exploring approaches to enhance climate change legislation, supporting climate change litigation and advancing the principle of intergenerational justice" (A/78/255). <<https://undocs.org/Home/Mobile?FinalSymbol=A%2F78%2F255&Language=E&DeviceType=Desktop&LangRequested=False>>. See also: LRC-KSK/FoE Philippines publication "Climate Litigation in the Philippines: Trends and Possibilities". December 2021.
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- 46 See: State of California. September 2023. People of the State of California v. Big Oil. <<https://www.gov.ca.gov/2023/09/16/people-of-the-state-of-california-v-big-oil/>>. See also: State of California. September 2023. The People of The State Of California, Ex Rel. Rob Bonta, Attorney General of California V. Exxon Mobil Corporation; Exxonmobil Oil Corporation; Shell Plc; Shell Usa, Inc.; Shell Oil Products Company Llc; Chevron Corporation; Chevron U.S.A. Inc.; ConocoPhillips; ConocoPhillips Company; Phillips 66; Phillips 66 Company; BP P.L.C.; BP America Inc.; American Petroleum Institute; And Does 1 Through 100, Inclusive: Complaint for Abatement, Equitable Relief, Penalties, and Damages.
- 47 Ibid.
- 48 Ibid.
- 49 Ibid.
- 50 Resolution adopted by the Human Rights Council on 8 October 2021 on the Mandate of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change (A/HRC/RES/48/14). <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/285/48/PDF/G2128548.pdf?OpenElement>>.
- 51 See: State of California. September 2023. People of the State of California v. Big Oil. <<https://www.gov.ca.gov/2023/09/16/people-of-the-state-of-california-v-big-oil/>>. See also: State of California. September 2023. The People of The State Of California, Ex Rel. Rob Bonta, Attorney General of California V. Exxon Mobil Corporation; Exxonmobil Oil Corporation; Shell Plc; Shell Usa, Inc.; Shell Oil Products Company Llc; Chevron Corporation; Chevron U.S.A. Inc.; ConocoPhillips; ConocoPhillips Company; Phillips 66; Phillips 66 Company; BP P.L.C.; BP America Inc.; American Petroleum Institute; And Does 1 Through 100, Inclusive: Complaint for Abatement, Equitable Relief, Penalties, and Damages.
- 52 See for example, the Legal Rights and Natural Resources Center/FoE Philippines publication "Climate Litigation in the Philippines: Trends and Possibilities". December 2021. <<https://www.lrcksk.org/post/new-publication-climate-litigation>>. See also: Commission on Human Rights' Final Report of the National Inquiry on Climate Change (pgs 78-88).