L&D FINDINGS

Key Theme 1:
Insurance Mechanisms

Explanation:

Examining ideas around insurance schemes, like liability insurance, as a potential legal framework to earn compensation for climate disasters

Key Texts:

- Craig Brown & Sara Seck, 2013, *INSURANCE LAW PRINCIPLES*
- *IN AN INTERNATIONAL CONTEXT: COMPENSATING LOSSES CAUSED BY CLIMATE CHANGE*
- Stacy-Ann Robinson et al., 2021, *Financing loss and damage from slow onset events*
- *in developing countries*
- Linnéa Nordlander, Melanie Pill & Beatriz Martinez Romera, 2019, *Insurance schemes for loss and damage: fools' gold?*

Main Points/Quantification:

- Liability insurance covers policyholders when they are legally responsible for harming others (e.g., through pollution or negligence). If the plaintiff wins, the insurer may have to compensate the victim—but only if the loss was fortuitous (unintentional) (Brown & Seck, 547)
- For a plaintiff to succeed, they must prove: Valid Tort Claim such as Negligence – The defendant failed to take reasonable care, causing foreseeable harm OR Nuisance – The defendant's actions (e.g., pollution) interfered with the plaintiff's use of land. (Brown & Seck 547-550)
- Domestic Solutions (Causer-Pays Dilemma): Tort Liability Claim - Sue major emitters (e.g., oil companies) for climate damages using negligence/nuisance. Reality: Courts reject most claims due to:
    - Proximity/causation hurdles (can't link one emitter to specific harm).
    - Fortuity (insurers won't cover "non-accidental" climate harms) (Brown & Seck, 561)
- Also discussed ideas of government regulated insurance such as workers' compensation which works on a no-fault basis, and specific case studies like the New Zealand Natural Disaster Fund that augments private insurance with large deductibles and the British Columbia Disaster Financial Assistance Program which provides a 20% deductible to cover damage to homes and community service locations (Brown & Seck, 553-557)
- Found 5 sources of finance for addressing loss and damage from slow onset events in developing countries: insurance and risk pooling, contingency finance, bonds, levies and taxes, and other sources based on principles of attribution, rehabilitation, and compensation (Robinson et al., 139)
- Insurance schemes could be substantially redesigned to cover non-economic loss and damage, a concept that recognizes that some climate impacts are hard to quantify, by coupling it with 'insured economic assets' or triggering automatic compensations 'whenever a consequential climate-related event occurs' (Robinson et al., 141)
- Parametric insurance systems: " For example, payouts associated with a cyclone would be based on the strength of the system (as measured by wind speed) and not on the dollar value of the post-event loss and damage. (Robinson et al., 142)

- Catastrophe bonds are 'high-yield debt instruments that transfer specified risks from the bond issuer to an investor in order to provide the bond issuer funds if a catastrophe strikes' (probably wouldn't work with NELD) (Robinson et al., 142-143)
- Proposals included levies on international airline travel and fossil fuels such as bunker oil, taxes on financial transactions, and global carbon pricing. (agreement that this is probably the best source of finance) (Robinson et al., 145)
- On a micro-scale, index-based insurance provides an incentive to adapt and reduce risk because the payment is based on the event and not the actual losses incurred. (a good example is the R4 Rural Resilience Initiative which pools the governments of 8 African nations by offering insurance against drought for agricultural livelihoods) (Norlander et al., 3)
- To mitigate harm and work in an ex ante manner, risk reduction and adaptation measures aimed at reducing vulnerability would need to be incentivized, such as the practice of the ARC. This could be achieved through setting premiums according to risk level, and encouraging policy-holders to reduce risk, with those at a higher risk of loss and damage paying higher premiums (Norlander et al., 6)
- Indemnity-based insurance assesses loss and damage claims in a case-by-case manner after extreme events, allocating compensation on the basis of these assessments. However, these assessments can often cause long delays before compensation is distributed. Index-based insurance, on the other hand, is based on predetermined parametric triggers for natural disasters, such as rainfall amount or wind speed. This allows rapid insurance relief post-disasters (Norlander et al., 2).
- Regional macro-insurance schemes have gained popularity in the past decade, but have had some failures. They often fail to adequately account for the interplay between climate related disasters. One example of this is the African Risk Commission (ARC)'s refusal to payout to Malawi for its catastrophic crop failure caused by a drought, which was exacerbated by a preceding flood. This failure of index-based insurance must be addressed in future schemes (Norlander et al., 3).

Key Theme 2:
Non-Economic Loss and Damage (NELD) Quantification

Explanation:
This theme addresses how to define and possibly quantify non-economic harms from climate change, such as loss of culture, biodiversity, life, identity, and ancestral land, all of which are not easily compensated financially.

Key Texts:

- Olivia Serdeczny, Eleanor Waters, & Sander Chan, 2016, *Non-Economic Loss and Damage in the Context of Climate Change*
- Asian Development Bank (ADB), 2014, *Non-Economic Loss and Damage Caused by Climatic Stressors in the Selected Coastal Districts of Bangladesh*
- Robin Gregory, 2020, *Compensating Indigenous social and cultural losses: a community-based multiple-attribute approach*
- Violetta Gassiy & Ivan Potravny, 2019, *The Compensation for Losses to Indigenous Peoples*
- *Due to the Arctic Industrial Development in Benefit Sharing Paradigm*
- Johanna Gusman, 2024, *ADDRESSING NON-ECONOMIC LOSS AND DAMAGE IN THE PACIFIC AT THE INTERNATIONAL COURT OF JUSTICE*

Main Points:

- The relevance of the interconnectedness between the material and non-material goes beyond academic interest and scrutiny: claims of culture loss suffered by Alaskan natives following the Exxon Valdez oil spill in 1989 were rejected by Judge Holland on the basis that culture was deemed to be “deeply embedded in the mind and the heart” and could therefore not be affected by environmental factors (Serdeczny et al., 13)
- NELD is understood in terms of Inalienability and Incommensurability
    - Inalienability: Certain possessions have absolute, irreplaceable value because they embody history, identity, or spiritual meaning. **Cannot be separated from their value (**E.g., ancestral land isn’t just "property" it’s tied to a community’s existence) Non-tradable: Market exchange is impossible because no monetary equivalent exists.
    - Incommensurability: Values lack a common unit of measurement (e.g., dollars), making comparisons arbitrary. No single scale: A child’s life vs. a vacation aren’t "more" or "less" valuable—they’re qualitatively different. Monetization fails: Compensating sacred sites with cash is incoherent—their value isn’t financial. (Serdeczny et al., 16-17)
    - Study in Bangladesh focused on the non-economic loss and damage on the Individual, Societal, and Environmental levels (ADB, 35)
- Economic methods rely on individual assessments, whereas Indigenous cultural and social phenomena are often best viewed from a community perspective, as ecosystem services and resources are openly shared (Gregory, 4)
- Explicitly deconstructing impacts, including cultural and social values, into their component dimensions, which are discrete, non-overlapping categories of value as characterized by the affected group. For example, losing the ability to hunt moose can represent losses in food sustenance, intergenerational teaching, seasonal rounds, family time, providing for community, and fundamental identity (Gregory, 7)
- Analysis of literary sources and economic practice in the Arctic zone allows us to identify the following areas of wealth distribution during industrial development of the territory:
- Compensation: Indemnification of indigenous peoples of the North and their communities, whose activities decrease due to the project. • Employment: Vocational training and individual employment of representatives of the indigenous peoples of the North, including in planned projects.
- Partnership and cooperation: Mutually beneficial cooperation of the company and indigenous communities through procurement of the products of traditional nature use, traditional crafts.
- Co-management: The inclusion of representatives of the indigenous communities in councils to co-manage the project for industrial development of the territory and the interaction of all stakeholders and other areas. (Gassiy & Potravny, 8-9)

Quantification:

Fankhauser et al. (2014, p. 42) suggest four basic approaches to the valuation of NELD:

1. economic valuation (EV) (WTP “How much someone would pay to avoid a loss”, WTA “How much someone would demand in compensation for a loss”, and Contingent valuation “Surveying people to ask how much they value something that isn’t bought or sold”)

2. multi-criteria decision analysis (MCDA): You list different criteria (e.g., cultural importance, social impact, health), Each is scored and possibly weighted based on importance, Different policy options or losses are compared based on these scores
3. composite-risk indices (CRI): Combining different types of data (social, environmental, etc.) into a single risk index, You normalize and weight them, You combine them into a single score that reflects overall risk or vulnerability
4. qualitative / semi-quantitative approaches (QSA): Describing and evaluating loss using narratives, interviews, and partial scoring, not full numbers. (Serdeczny et al., 17)

For the Bangladesh Study:

- On the individual level, impacts were based on education (immeasurable loss because when disasters destroy or inhibit children's ability to learn, they are behind other kids at other schools) and physical/psychological wellbeing of individuals and households.
- Psychological impacts were further differentiated within three categories: direct and acute impacts, psychosocial impacts, and indirect impacts
- Societal level impacts were considered based on whether challenges went beyond the household level, and differentiated between tradition (eg. due to higher salinity levels, people weren't able to use their rice for traditional foods), religion, culture, customs (can no longer celebrate "puja" because they have no fertile land for cows), and social bonds (there's not natural food to eat from growing so social ties are weaker considering a lot of their culture stems around inviting people over for lunch or dinner or tea)

To calculate losses, it is advisable to apply an income approach in terms of lost profits. The lost profit of land users depends primarily on the area (radius) of technogenic impact:

- Varies in duration (short-term, long-term, and cyclical), degree (super-weak, weak, strong,and super-strong), admissibility (permissible and unacceptable), and controllability (controlled and uncontrolled).
- In our opinion, methods for calculating the losses of traditional nature use are based on indicators of income decline from traditional activities. They should be complemented by the environmental and socio-economic costs that are additionally borne by subsoil users to improve the livelihoods of indigenous peoples (job creation, spending on education, lifestyle changes, etc.). (Gassiy & Potravny, 17).

Gregory 2020:

Identified 5 types of damages experienced by two Dene First Nations in Canada:

- Trauma and physical effects on well being
- Cultural identity, practices, and knowledge
- Connection to family, society, and animals
- Access to places, knowledge, and trails
- Household livelihood and related economic losses

Then,

- Swing weighting surveys were administered to the indigenous groups in order to assess relative weighting of the 5 types of damages. This was then used to apply relative importance scores to each of the five categories on a 100 point scale.
- Economic losses experienced from 1953 to present day were calculated to serve as a baseline for damages.
- Then, the non-economic losses were scaled proportionally using the economic losses and relative weightings, determining the total non-economic cost on the basis of quantifiable economic loss and community-based survey results

Key Theme 3:
Legal Pathways and Liability

Explanation:
This theme explains the legal foundations for pursuing accountability and compensation for climate-related loss and damage, including tort law, international, and constitutional litigation.

Key Texts:

- Meinhard Doelle, Sara Seck, 2019, *Loss & Damage from Climate Change: A Maturing Concept in Climate Law?*
- Dr. Roda Verheyen, 2012, *Tackling Loss & Damage –A new role for the climate regime?*
- Margaretha Wewerinke-Singh & Diana Hinge Salili, 2019, *Between negotiations and litigation: Vanuatu's*
- *perspective on loss and damage from climate change*
- Joel Correia, 2024, *Land matters: how Indigenous land restitution can inform loss and damage policy and chart a path toward an otherwise climate justice*
- Johanna L Gusman, 2024, *THE CLIMATE CRISIS AND CULTURAL LOSS: ADDRESSING NON-ECONOMIC LOSS AND DAMAGE IN THE PACIFIC AT THE INTERNATIONAL COURT OF JUSTICE*

Main Points:

- Loss and Damage recognizes two categories of harm: permanent harm (irrecoverable loss) and reparable (recoverable damage) (Doelle & Seck, 2019)
- Examples of non-state actors who may be disproportionately impacted by L&D include indigenous and non-indigenous communities, migrants and refugees, children, women, and other vulnerable members of societies. Harm is, of course, not limited to humans, but includes human property as well as nature, from individual vulnerable species to whole ecosystems. (Doelle & Seck, 2019)
- Monetary damage awards could look like fines based on regulatory or criminal prosecutions, also punitive damages (Doelle & Seck, 2019)
- When there are cases that express joint or several liability, could form ideas like material contributions or market share liability (Doelle & Seck, 2019)
- Most developed countries argue that Disaster Risk Reduction (DRR) is the best framework for dealing with the climate regime, but all DRR practice is voluntary – a solidarity framework. It is fairly intransparent and has no clear legal framework. (Verheyen, 8-9)

- Compensation for environmental damage, i.e. for example loss of ecosystems, has typically been limited to the costs of reasonable measures of reinstatement of the impaired environment, where reinstatement measures are actually taken or are to be taken, and the costs of preventative measures. (Verheyen, 10)
- A legal workaround could be focusing on aggregate contributions (e.g., "Carbon Majors" are collectively responsible for ~70% of industrial GHG emissions) (Wewerinke-Singh & Salili, 6)
- Indigenous land rights cases in the Inter-American Court (e.g., Xákmok Kásek v. Paraguay) show how land loss has been recognized legally as a violation of identity and cultural survival, legal restitution cases offer a basis for recognizing intangible and historical losses (Correia, 814-815)
- Argues for "otherwise" climate justice that centers land-based identity, intergenerational trauma, and the cultural irreparability of loss - offering a framework to move beyond development- or finance-centric L&D models. (Correia, 2024)
- Pacific Island nations spearheaded a campaign for an ICJ advisory opinion (AO) on climate change to clarify state environmental protection obligations under international law for both current and future generations (Gusman 15).
- The UN General Assembly unanimously adopted the resolution to request an advisory opinion from the ICJ (Gusman 15). The AO is expected to be released in late 2025
- A core part of NELD is human mobility, particularly as related to sea level rise. There already exists a large abundance of case law and precedent in Europe regarding human mobility related damages, and these damages are increasingly quantifiable with improvements in satellite technology (Gusman 18)

Case Review:

Asmania Et Al. V Holcim (Switzerland)

https://www.ecchr.eu/fileadmin/Publikationen/Duartes_Burri_Transnational_corporate_liability_in_the_era_of_loss_and_damage_2024.pdf

- 4 islanders from Pari, filed a lawsuit against the Swiss based building materials company Holcim seeking not only a reduction of absolute CO2 emissions, but also proportional compensation for climate change-related damages on the island
- As Verhyen explains, science can rarely determine cause-effect relationships with 100% certainty, rather scientists will generally refer to the likelihoods of events in probability. Since cc may increase the likelihood or intensity of an extreme event, attribution statements in this context are typically probabilistic
- attribution science is advancing and is able to show how the defendants conduct made a plaintiff worse off which is helpful for tort law
- Argue that due to anthropogenic greenhouse gas emissions in Pari, mean sea levels went from 11-26 sm from 1861 to 2021
- Coral reefs are also particularly effected

- A German climate scientists assessment showed tidal flooding has reached levels of 90 cm which makes it almost certain that human-made global warming have led to damage, and they show what it would look like without human interference
- Found same findings with future damages with high confidence, and conclude that future damages to housing range from 52% to 99.9% that can be attributed to anthropogenic climate change
- Climate scientist Richard Heede concluded that Holcim attributed .48% of all global industrial emission

Legal Argumentation:

Swiss Civil Code Article 28: "any person whose personality rights are unlawfully infringed may petition the court for protection against all those causing the infringement"

- The term personality consists of numerous facets which should be interpreted by legal notions ascribed to a person.

List of Personality Rights:

Physical areas of protection: sexual freedom;	a) the right to life, physical integrity, b) personal freedom, especially free dom of movement; c) the right to body and death (bodily self-determination).
Psychological areas of protection:	a) the right to relationships with loved ones (family, friends); b) the right to respect for loved ones; c) Emotional life (mental integrity).
Social spheres of protection:	a) the right to names and other means of identification; b) the right to one's own image, voice and words and the right to informational self-determination (data protection);

- If someone wants financial compensation for a violation of personality rights, article 41 for ex-contractual tort claims (called the law of delic in Switzerland), and if they have suffered mental harm, they can request just satisfaction (another type of compensation) based on article 49 CO
- For compensation, conditions need to be fulfilled: damage, causation (natural and adequate causality), illegality, and attributable misconduct (fault or negligence)

- Usually plaintiffs are only allowed to be rewarded for the exact amount lost taking away punitive damages, but in cases where exact value is ambiguous, the courts estimate, statute of limitations is 3 years with 10 us the absolute max
- Plaintiffs are arguing loss of income due to 2 major floods in 2021, and other mental stresses, so they claim their personality rights have been breached by excessive greenhouse gas emissions by Holcim, and personality laws work here becomes they only require that you contribute to the violation

Compensation for Damages

- reparations of house walls, a destroyed fishing boat, and the destruction of fish stocks, they ask for .42 of the sum of all damages
- They also ask for compensation for each household to secure access to clean water and for raising their housing and building them in other places, and for the 2 million new mangrove seedling

Baihua Caiga et. al., v. PetroOriental S.A. **(Ecuador)**

- Article 41 numeral 4 literals a, c, and d Law of Jurisdictional Guarantees and Constitutional Control, the plaintiffs are entitled bring this action against "[a]ny act or omission of natural or juridical persons of the private sector, when at least one of the following circumstances occurs: (a) They provide improper public services or services of public interest; [...] (c) It causes serious damage; (d) The affected person is in a state of subordination or defenselessness before an economic, social, cultural, religious or any other type of power."

This law allows lawsuits against private actors (like companies) if at least one of the following is true:

1. (a) They provide public services improperly or provide services of public interest.
2. (c) They cause serious damage.
3. (d) The victims are in a state of defenselessness or subordination — economically, socially, culturally, etc.

They argue that all three conditions apply, and even any one of them alone would be enough.

1. Condition (a): PetroOriental provides a service of public interest — oil exploitation, which is classified in Ecuador's Constitution (Art. 313) as a strategic sector because of its major economic, social, and environmental importance.

2. Condition (c): The company's activities cause serious, irreversible ecological damage — especially to the environment and the climate (Climate Change), which permanently affects the victims.

3. Condition (d): The victims are Indigenous peoples, who are:

    - Economically and socially disadvantaged,
    - Culturally marginalized,
    - In a position of defenselessness and subordination relative to a powerful multinational company.
4. Miwaguno People

    - Loss of ancestral traditions, river cycles, environmental degradation, TEK
    - The flood of July 2019 caused diseases to people, damage to banana, cassava, coffee and cocoa crops
    - A pure and simple denial or invoking the lack of scientific evidence will not be able to undermine the probative value of the ancestral knowledge incorporated to the process through the testimony of the Pikenane.
    - Argued for reparation of the victims, that is to say, reparation measures for the violation of rights caused by Climate Change, therefore, it shall order in a sentence that the defendant company finance the projects that have the objective of strengthening the ancestral knowledge systems and food sovereignty to face and recover from the alteration of the ecological balance caused by Climate Change.
5. a. Adaptation to Climate Change through Food Sovereignty, to address the problem that crops no longer produce the same amount and that communities no longer have access to the food they need to live. b. Climate adaptation to droughts and floods, allowing the collection, storage and distribution of water to affected communities. The success of the project will require wells, rainwater management, flood control and other infrastructure that can cope with the needs created by climate change. c. Strengthening of Traditional Medicine Techniques Affected by Climate Change, which improves the recovery, dissemination and maintenance of traditional practices traditionally used by the plaintiffs and victims to guarantee the right to health and the reproduction of cultural practices. d. Recovery and dissemination of Ancestral Techniques for the Collection, Storage and Sowing of Seeds, which will allow the plaintiff victims to adapt to changes in the reproduction and growth cycles of plants and animals. Additionally, it is required the creation of a seed bank, in charge of the same harmed community.

NATIVE VILLAGE OF KIVALINA v. EXXONMOBIL (USA)

https://climatecasechart.com/wp-content/uploads/case-documents/2008/20080226_docket-408-cv-01138-SBA_complaint.pdf

- Primarily were based on relocation costs, building a new village, infrastructure, etc.
- Rising temperatures caused by global warming have affected the thickness, extent, and duration of sea ice that forms along Kivalina's coast. Loss of sea ice, particularly land-fast sea ice, leaves Kivalina's coast more vulnerable to waves, storm surges and erosion. Storms now routinely batter Kivalina and are destroying its property to the point that Kivalina must relocate or face extermination.

- The Army Corps of Engineers' report projects that it would cost between $95 and $125 million to relocate Kivalina.62 The GAO report projects that it would cost between $100 and $400 million to relocate Kivalina
- The GAO asserted that flooding and erosion in the coastal area of Alaska were due in part to rising temperatures that cause the protective shore ice to form later in the year, leaving villages, including Kivalina, vulnerable to storms.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT (Superfund Climate Act)

https://climatecasechart.com/wp-content/uploads/case-documents/2024/20241230_docket-224-cv-01513_complaint-1.pdf

- Requires large out-of-state energy producers, both domestic and international (called responsible parties) to pay "cost recovery demands" to the State of Vermont to fund their climate change adaptation projects
- Used to subsidize various "climate adaptation projects"
- Calculates the penalty that individual energy producers must pay based upon the ratio of the total "cost to the State of Vermont and its residents.. from the emission of covered greenhouse gases and each "responsible party's" purported global share of covered greenhouse gas emissions over the 30-year period from 1995 to 2024

Better Explanation:

- Vermont will first estimate the total financial harm caused by climate change in the state over a 30-year period (1995–2024). This includes costs like:
    - Infrastructure damage from extreme weather (floods, storms, etc.).
    - Public health impacts (e.g., heat-related illnesses, respiratory diseases from poor air quality).
    - Agricultural losses (crop failures, soil degradation).
    - Ecosystem damage (biodiversity loss, forest decline).
    - Adaptation costs (e.g., upgrading stormwater systems, relocating roads).

Then,

- The state will then determine how much of the blame each fossil fuel company bears by looking at their **proportion of global greenhouse gas (GHG) emissions** during that same 30-year window.
- For example, if ExxonMobil was responsible for 2% of global GHG emissions from 1995–2024, they'd theoretically be on the hook for 2% of Vermont's total climate costs.

Then,

- The final penalty for each company is based on:

Company's Penalty=(Company's % of Global GHG Emissions (1995–2024) / Total Emissions from All Responsible Parties) × Total Climate Costs to Vermont

Ministry of Environment and Forestry v. PT Arjuna Utama Sawit (2018) (Indonesia)

https://climatecasechart.com/non-us-case/ministry-of-environment-and-forestry-v-pt-arjuna-utama-sawit/

https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?params=/context/sabin_climate_change/article/1231/&path_info=Climate_Litigation_in_the_Global_South_Mapping_JUN24_FINAL___TIffany_Campiz_Challe.pdf

https://law.nus.edu.sg/wp-content/uploads/2023/02/APCEL_WPS-2303.pdf

- In relation to climate change, the MoEF claimed that the fires had contributed to the release of 2700 tC and a loss of function of carbon sinks which equal to 945 tC. Since the cost of released carbon is IDR 90.000 (equals to US$ 10), the MoEF requested the court costs of the released carbon and restoration amounting to IDR 328.050.000.
- Damages awarded are often extensive, as the court considers ecological and economic damages in addition to the damages associated with the loss of function of the carbon sink and the released carbon costs

Legal Advice Centre T/A Kituo cha Sheria & Anor v. Attorney General and 7 Others (Kenya)

https://climaterightsdatabase.com/2023/11/10/legal-advice-centre-t-a-kituo-cha-sheria-anor-v-attorney-general-and-7-others-iten-elc-petition-no-007-of-2022/
https://new.kenyalaw.org/akn/ke/judgment/keelc/2024/1521/eng@2024-03-20

- Case was based upon displacement, deaths, and damages caused by the increased size of Lake Baringo, largely caused by climate change
- Alleged constitutional human rights violations and governmental failures under Kenya's 2016 Climate Change Act, seeking redress in compensatory damages and allocation of land for resettlement
- The doctrine of exhaustion is a legal principle that requires parties to first use all available administrative or statutory remedies before approaching the courts.
- Ruled as an exception to the doctrine of exhaustion due to lacking administrative processes and capacity of the NLC to address the claim, was concerning fundamental rights, and concerned public interest

Tsama William and Others v. Uganda's Attorney General and Others (Uganda)

https://climatecasechart.com/non-us-case/tsama-william-and-others-v-ugandas-attorney-general-and-others/

- Climate change exacerbated landslides, leading to continuous damages and the loss of life
- Filed under Article 39 of the Ugandan Constitution which guarantees the right to a clean and healthy environment, and Article 50 which pertains to human rights enforcement
- Allege the respondents had positive legal obligations to anticipate, mitigate, and respond to natural disasters in Bududa
- Allege failure to issue warnings, evacuate residents, and provide post-disaster relief
- Plaintiffs claim UGX 6.8 billion in damages, seeking declaratory relief that their rights were violated

In re Greenpeace Southeast Asia and Others

https://climatecasechart.com/non-us-case/in-re-greenpeace-southeast-asia-et-al/

- Petitioned to the Commission on Human Rights of the Philippines seeks an investigation into the responsibility of carbon majors for human rights violations and threats resulting from climate change
- Highlighted climate related damages such as the deadly super-typhoon Yolanda as a case of human rights and livelihood being violated as a result of climate change
- Draws on:
    - Philippine Constitution Article II Sections 15 and 16
    - Oposa v. Factoran
    - Philippines Republic Act No. 9729 (Climate Change Act of 2009)
    - UN Guiding Principles on Business and Human Rights
    - Maastricht Principles on Extraterritorial Obligations of States
- The CHR asserted its authority to investigate even foreign corporations due to the transboundary nature of climate change.
- The CHR ruled Carbon Majors could potentially be held liable for human rights imp