

Subvert - A podcast by Corporate Accountability

Title Episode 2: From people power to corporate liability

Description

In the second episode of Season 1, Lena and Michél talk with Corporate Accountability organizers and partners about climate liability. We discuss the Liability Roadmap, a powerful organizing tool we developed in coalition with allies on the front lines of the climate crisis all over the world, and hear about what's at stake in the fight to hold Big Polluters liable for knowingly driving the climate crisis.

Show notes

In this episode, we heard about the Liability Roadmap, which you can see at <http://liabilityroadmap.org/>. Our guests on this episode are Sriram Madhusoodanan and Hellen Neima from Corporate Accountability; Nnimmo Bassey from [Health of Mother Earth Foundation](#); and Tetet Lauron, from [Rosa Luxemburg - Stiftung](#).

Transcript

Lena: Hello, and welcome to Subvert, a podcast from Corporate Accountability. Corporate Accountability is a 40 plus year old organization powered by people. We wage strategic campaigns to stop corporate abuse against human rights and democracy. I'm Lena Greenberg, I use they/them pronouns, and I'm our press officer.

Michél: And I'm Michél Legendre, and I use he/him pronouns. I'm our associate campaign director and direct our tobacco campaign. We're excited to bring you stories from our organizing and partners around the world, working to expose corporate abuse and hold corporations accountable. Today, we'll be talking about the idea of and organizing for climate liability.

Lena: In order to get the basics on what climate liability is, what tools exist to advance climate liability, and how organizers around the world are using those tools to secure climate justice, we sat down with Sriram Madhusoodanan. Sri's the director of our US climate campaign here at Corporate Accountability. He'll help us get more familiar with the idea of climate liability and talk about a big project we're a part of called the liability roadmap.

Sri: I'm Sriram Madhusoodanan. I use he/him pronouns. I'm the US climate campaign director. We've seen climate policy that's been trying to be advanced at the UN and across the board for decades. And for too long, it has fallen short of the demands of movements around the world for climate justice.

And for us that's for a very basic reason. It's because the corporations and industries that are fueling the crisis are at the table and undermining progress every step of the way. So our demand is that we kick these polluters out of climate policy at the UN, at every level, and that we make them pay for the damage and the harm that they've knowingly fueled for decades.

Michél: So Sri, you mentioned making them pay, and this concept of climate liability is used a lot in the organization. I was just wondering, could you explain that to people not familiar with this concept?

Sri: I think liability is a very wonky term, but I think at the core of it, bottom line, if you broke it, you pay for it.

This is a concept that any one of us as individuals has to hold to in society, and that should be no different for the climate crisis. But for corporations, the fossil fuel industry, and other big polluters, this basic fundamental principle of respect is simply not happening. And this speaks to a further breakdown in our systems of justice that these corporations have helped to perpetrate for so long.

We know that Exxon and Shell have been fueling the climate crisis for decades, even when, as far back as the fifties, their own internal scientists were telling them that if they kept on with business as usual, that we would be facing the cataclysmic set of events that we're facing today, that we're going to see so many impacts for frontline communities.

And instead of meaningfully engaging with what that meant for their business models, they instead mounted a decades-long campaign of deception and denial. And they're still doing that today, and that's just wrong. We can't hold with that, and that's why we are calling with allies across the world, with campaign partners across the world, that it's way past time for these corporations to pay for, not just the loss and damage that's happened with climate change, but also for a just transition.

Michél: Yeah, I think that that's such an important concept. It's not only to name the problem, but also this idea of like, here's the solution. And I know that the climate team has been pulling forward this new tool, the liability roadmap.

And I was wondering if, one, you can say a little bit more about what that is; also share who was involved in putting it together, and who the intended audience is for the liability roadmap.

Sri: The liability roadmap is a new tool that can support movements around the world and government decision-makers in advancing liability against the industry.

To answer your question of who this is for, any government, even civil society who are working to pressure governments, this is a tool that can help you figure out how is it that we can advance liability against the industry. And it's not just at a local level or international level. It's really got remedies that work at multiple levels of government or specific to the level at which you're operating and moving demands against a target. Now, who was behind this. This is what I think is what is exciting about this tool. It was really brought together by a global coalition of leading campaigners and organizations working to advance climate justice from Action Aid International, Friends of the Earth International, Indigenous Environmental Network, to groups working at a regional level, like the Corporate Accountability Public Participation Africa, the Bolivian Platform, the Asian People's Movement on Debt and Development.

And the tool is really a collective work, and I think that speaks to its power; that speaks to its resonance and its relevance to communities and governments or situational context around the world because we recognize that, while we're seeing a lot of lawsuits happen in the US and in Europe especially, liability is not a remedy against the industry or a tool against the industry that can be limited to just the Global North. We need a global movement behind us at the end of the day in order to win and to succeed.

Lena: So, this tool sounds amazing and also kind of a challenging thing to use provided that we know that big polluters pour countless sums of money into getting their way out of liability lawsuits. So, can you talk a little bit about why climate liability and the Liability Roadmap are the way forward for the movement and how they can secure climate justice?

Sri: The fact that the industry is so good at pushing back against liability is exactly why we need a tool like the liability roadmap. The fact of the matter is that when we're going up against the legal might of Big Oil and Gas; it is massive. These are corporations that have made it their business to get out of being held legally accountable or liable, if you look from Shell in Nigeria to Texaco and Chevron in Ecuador. And at the same time we know how powerful a tool like liability can be and how hopeful it can be because we've seen it work before. And we can just look to the example that's so instructive with how the tobacco industry was held liable, and how thanks to the global tobacco treaty, and Michél, I'm sure you can speak much more to this, but it continues to be held liable around the world.

Lena: And just to take a quick pause, for those who are not familiar with the Master Settlement Agreement. Michél, can you say a little bit more about this?

Michél: Yeah. So the master settlement agreement is the culmination of a windfall of lawsuits in the nineties that led states across the country being awarded settlements, in perpetuity, as acknowledgement for the harms incurred by the tobacco industry's business practices.

Even as recently as a couple of years ago, the tobacco industry was paying upwards of \$30 billion a year to states as part of that settlement. So, it's safe to say this is a huge deal, and it could mean a world of difference when you think about the issue of corporate liability.

Lena: Great. And now back to Sri.

Sri: This is a really critical source of the finance that's necessary to address this because, let's face it, these corporations have gotten immeasurably wealthy and made their shareholders immeasurably wealthy by putting us on a path towards dangerous levels of climate change, towards already a moment where frontline communities from the Gulf South to the Global South are feeling these impacts so, so dearly.

And so this is not just the thing that we know is powerful and strategic, but it's also where our conscience directs us because who must pay? The fact is that people are already paying, often with their lives, and it's only right that we force the fossil fuel industry and other big polluters that have passed those costs onto the rest of us for so long to be the ones that pay for this.

Lena: Okay. So, thinking about how to shift the burden of liability from people to polluters, what does that look like in concrete terms? What does it actually mean to make them pay? And what does that allow communities on the front lines of the climate crisis to do?

Sri: Here's where I'll start off. At the very core of it, this is dealing with the issue that is fundamental to climate change, to climate justice, to how the world moves forward of who pays. And we cannot start a conversation about who pays without first talking about how we got here in the first place. Now, it's the position of this coalition and Corporate Accountability that the ones who must pay are the big polluters, are the corporations, the industries that have fueled this crisis for so long. And governments like the US, like the European Union, have a role in ensuring that these companies within their borders pay, that they're held accountable and liable, and ensuring that that money is then put towards climate finance in a global context. So this is not separate from, but a part of very connected climate justice issues, like how the US pays its fair share of climate finance, how it supports through technology transferred other needs, the transition and adaptation to the impacts of climate change that countries that are being impacted right now are dealing with. And this is essential sticking point, really, because we cannot expect to address the climate crisis with carbon markets and net zero pledges, which I'm sure your listeners are hearing much more now, but we must make fundamental, real cuts in emissions. And we must ensure that the money is there because the real need is there to transition economies away from fossil fuels.

And who pays for that? Big Polluters should pay because they got us here in the first place. So I think one thing to really keep front and center here is that frontline communities here in the US and globally have the solutions. And what we need, for one, the corporations that are continuing deadly extraction around the world to stop these extractive practices and frontline communities.

And for them to pay for the damage that has been done. Fundamentally, we're talking about a form of reparations here because let's acknowledge that the harm must be repaired in terms of what big polluters, the fossil fuel industry, have done to fuel the climate crisis, to poison communities in which they're operating, to undermine and destroy lives and livelihoods, and all to really just keep padding their profits at the end of the day. So, we are bringing this forward, this tool of a liability roadmap, as a very real tool to help communities around the world to access these solutions and the finance that's necessary at a global level to ensure that we have a just and equitable transition.

Lena: Thanks so much Sri for chatting with us about the liability roadmap and the huge potential for this movement for climate liability and to secure climate justice. Talk soon.

It's clear that, for as long as corporations have internalized profits and externalized costs, people have been organizing to make those corporations pay up over generations and across industries. Next, we'll hear from organizers on the ground about the role of liability and advancing climate justice.

Michél: To start us off, we'll hear from Nnimmo Bassey, director of the ecological think tank, Health of Mother Earth Foundation, which advocates for environmental and climate justice and food sovereignty in both Nigeria and Africa more broadly. He spoke at a webinar

organized by close partner, Corporate Accountability Public Participation Africa. Here's Nnimmo.

Nnimmo: The damage is actually unbelievable. The simplest definition to give to what we see around the world, the destruction of ecosystems, destruction of lives, destruction of any sense of anything that is good. The best definition is ecocide because some environments have been damaged to the point where they cannot be restored. Climate inaction deepens the multiple crises that we see in the world today because climate change is really a big precursor of many other crises around the world, around us.

And it's not only affecting humans, affecting everybody. These days, we hear a lot of biodiversity, and yet we are not seeing any real action to preserve biodiversity in the world today. So, this is the kind of situation we're in, and if we don't do anything, then of course we are who is willful in action and is clearly evil. In the face of this kind of disaster and the impact that people and communities are already experiencing, it is completely unacceptable that polluters, polluting industries, could continue spending billions of US dollars to deny climate change, to push policymakers into inaction. It's very clear that we can do better. They all can shut down phosphorus production, find more reasonable ways of generating power, of production, consuming less, and generally polluting less. At the same time, we're seeing, as I mentioned, degradation to the level that is unimaginable but is real.

Lena: Nnimmo also talked about specific impacts of the climate crisis in Nigeria and in the Niger Delta.

Nnimmo: We're seeing ecocide in the Niger Delta. I'm not able to travel to the oil fields now because we are locked down, but we're getting reports from communities that oil spills are continuing, where however, reports of fish dying in their thousands and floating to the coast. We're having accidents in industry like the Nigerian liquified gas company, and even community people are terrorized. They can't even speak about it. People are losing their lives because of industrial accident. The government structures of this industry is actually so reprehensible and it's time for us to make polluters pay, which is why we're having this conversation. So, in the policy and those are driving, driving, driving, us to the brink of ecological and social collapse.

And we are the ones who can do something about it. We can do something about it by waking up to our connection to nature, and by demanding that this corporation be held liable, to unlock needed funding to address climate emergency, to demand climate debts, to revoke the capacity and the permit of corporations to operate with business as usual. To contribute in real terms of systemic change, we have to bat on the present cannabix system and really to make it possible to simply imagine that we could be on a path to 1.5 degrees Celsius temperature increase or the so-called well below two degrees. And then of course, to give back the peoples a chance to breathe, the chance to survive, to thrive and to breathe. So what I would want to do? Hold polluters accountable. There's nothing else you need to do.

So now, we're going to be chatting today on how to deliver the vision of corporate liability. And we would just invite everyone and more to join the African Coalition, to harness our

collective power, to demand a change the status quo, to build the world that we need, and to understand that corporate accountability, at heart, is actually a liberation struggle for all of humanity.

Lena: Hellen Neima, the director of Corporate Accountability's climate campaign in the Afro region summed it up well. Her regional organizing involves supporting grassroots groups, moving decision-makers to effective climate action and using media to expose corporate abuse and impact on frontline communities. Basically, Hellen's a champion of making big polluters pay.

Hellen: For many years, we have watched big polluters frustrate our work. We have watched them pollute our water or air, grab our land and pollute it, introduce genetically modified crops to our land, to our food systems, frustrate policymaking at national, local, and international level.

Many times those of you have got an opportunity to be part of UN policy negotiations. You have seen how the worlds and the corridors of UN policy. You've seen how they're untouchable. You've seen how they've corrupted our systems, our governments, have manipulated the system, have promised our governments projects. Flimsy projects, if I could say, they have proposed ridiculous things, as far as buying air through Article 6 of the Paris Agreement. It's crazy. We believe enough is enough. There's been a lot of injustice that is going on, not only to the African race, but to the whole world.

You know, when our very air is polluted, you lose your very right to even exist. And so the first strategy that I believe is going to be very effective is for us to build a regional coalition. Everybody who's working on any other campaign has been frustrated by an industry one way or another. And so we need to all come together as civil society in Africa and make these people pay.

Lena: We've now talked with Sri about how Corporate Accountability has developed tools to hold big polluters accountable for knowingly fueling the climate crisis and heard about what's at stake in places like the Niger Delta and across the African continent from Nnimmo and Hellen.

Michél: Next we're chatting with Tetet Lauron. Tetet is a self-described climate policy nerd, and a seasoned fighter for climate justice speaking with us from the Philippines. Here's Tetet.

Tetet: My name is Tetet Lauron, and I'm based in Manila in the Philippines. I'm working as an advisor for the Rosa Luxemburg-Stiftung. "Stiftung" is "foundation" in German. So, it's the political foundation of Germany's left party.

And I've been with them for about three years now. So basically we engage the UN climate change process, also the UN sustainable development goals process. Basically anything in everything that has to do with what the UN does and what it doesn't do, count us in, yeah? But before that, I have been working on the climate change issue for, I guess, more than a decade now.

So yeah, I'm a fossil in the climate change negotiation space.

Michél: Not a fossil, a vibrant activist for justice! And also we're trying to get the fossil fuels out. Right? Am I right? There we go. So Tetet, thanks for that. And can you talk a little bit more about the impacts of climate change that people don't see? I think that folks have an idea of what climate change impacts are gonna be on the ground, but I don't think that most folks, everyday folks, really understand the expansiveness of what it can look like. So, maybe you can share from the Philippines perspective or from what you've seen in the UN negotiations, for instance.

Tetet: Yeah, thanks for that question though because I think what people see are the obvious impacts: the destruction of the earth systems, the impacts, especially those who have contributed the least. We all hear that narrative in the international negotiation space.

We hear negotiators talk about displacement, lives lost, livelihoods lost. We hear and read about body bags, not as an aftermath of climate impacts. But I think what is not really often seen or discussed is the fact that because of the impacts of climate change, families are broken apart. Your culture, your way of life, things that you hold very dearly and deeply inside your core, they're changed or gone forever.

Your language, the tombstone of your ancestors. These are things that are not often talked about in the negotiations because they are considered non-economic losses. You don't have a price tag to what does it mean if your way of life is changed forever.

Michél: So grateful that you're here to share that perspective and, you know, given all of these impacts, there's so many solutions that are brought forward, and I think one that's really picking up steam or has really had a resurgence maybe is the correct word, is this concept of climate liability.

And so I'm just wondering for you, why do you see, or how do you see climate liability as an important strategy in encountering those impacts, those more deep impacts in communities.

Tetet: I think litigation can be an important part of the overall strategy. It is not the only way, but it is an important part of the overall strategy for attaining climate justice.

We need to bring, you know, those who are really responsible for continuing the destruction of our planet, continuing the destruction of our communities, we need to bring them to account for all the damages that they've done and that they're still continuing to do. So it's not just an issue of addressing past wrongs, but it's also continuing legacy that's brought upon by international trade agreements, national policies. So it's historical and current at the same time. So I think it's important for us to bring that message that you guys need to clean up your mess, see what you've done to our communities.

You need to clean it up, and more importantly, don't do it again. That's why the objective of litigation is also try to set norms, standards for, I don't know if there's such a thing as good business practice, you know how I feel about corporations, but we need to set a high bar so that if in case they're still going to continue their extractive industries, we make it so hard for them to do it.

And we find mechanisms by which communities can find redress for all the harm the corporations have been doing. How I appreciate litigation; it's a component of the overall strategy of building power. Communities will have an avenue for calling out corporations, governments, even the military and police for all that collusion that's happening. So it's about building power because you cannot hold them accountable without a very strong community on the ground. And we can build community power with education, organizing, and of course doing direct action, doing mobilization. I think it all fits in nicely into this package of building power from the ground.

Lena: So, you're talking about liability as a tool in a broad toolbox of ways to advance climate justice. Can you talk about a situation where you've seen liability tools at work?

Tetet: It's still an uphill and an ongoing struggle for us, but I think, what I can share with you, is how in the Philippines we've taken to task the carbon majors, the seven major companies responsible like Shell, Exxon. We have taken them to court, not really suing them. We're just in the first phase, establishing the link between human rights and climate change and what this corporation's activities are doing to impinge on the human rights of the Filipino people. So, it's not really a court case yet, because we filed the case against the commission on human rights, but at least they've done the rounds of doing interviews globally to ascertain the impacts of this corporation's activities on human rights. And so far, the commission of human rights have ruled that these corporations are indeed liable for violations of the Filipino people's human rights to a healthy and safe environment as a result of their corporate practices.

So, it's a baby step, but nonetheless, it's a huge baby step for us because it could set precedent. And I don't know, I'm not a law geek, but I think this ruling from the commission on human rights can actually be referenced or cited when actual court cases are brought upon these carbon majors.

And yeah, I think it sends a very good signal because now we see kids suing corporations, Indigenous peoples suing governments. So it's good. It gives us a sense of taking back power because we have been denied, we have been silenced for the longest time.

Michél: One of the many times we've been at climate negotiations together, you talked about the connection between militarism, patriarchy, and climate injustice. Can you talk more about the role of intersectionality and a just response to the climate crisis and this concept of climate liability?

Tetet: A healthy environment will always be at odds with neoliberalism because it's not just about what we're doing, building power and building our movement.

It's not just about holding corporations and governments to account for emissions, but it's also taking them to task, calling them out for trying to make over an inherently unjust system. You cannot green capitalism because at the heart of capitalism is that it puts profit above people and planet, and any systemic solution towards climate justice must be in the context of finding alternatives to capitalism. That's where the intersectionality comes in. We fight for economic democracy. We fight for gender justice. We fight for social justice. We

fight for a redistribution of wealth and incomes and opportunities on this planet. I think the work that Corporate Accountability is doing, precisely to expose those links and hold corporations and governments to task, what kind of influence they have over negotiations. That's why Corporate Accountability has really been banging heavily on the doors around conflicts of influence in the climate negotiations, in the tobacco negotiations, because it's true. How can you expect corporations to set the policies around climate change when in fact they profit from those business activities. Because governments will always think of their own national interests first, and by national interests, I mean the interest of the elite in their countries. Make no mistake about that. So, what we see is that at country level, we see the use of the state machineries of coercion. And it is the military and the police to try and protect and advance the interest of, for instance, the 90% land owners in Philippine Congress; for instance, the top 500 corporations, Fortune 500 corporations in the world that are doing business in the Philippines.

We always see there's a militarized state violence leveled at communities resisting corporate-led environmental destruction, or even corporate-led climate solutions for that matter. Communities displaced by disasters can no longer go back to their communities. I'm also reminded that just last year, 25 million people all over the world were affected by 1,900 climate disasters. In my own country, the Philippines, we're the poster kids for climate injustice because we're visited by around 25, 30 typhoons every year.

And just last month, we had a super typhoon, the strongest ever to hit the planet this whole year, followed by two other strong typhoons. In Central America, we also saw two hurricanes, category five. So, it's really becoming more frequent and more intense, and millions globally are affected by the triple whammy of displacement, climate change, and coronavirus. How do you adapt to the impacts of climate change? You don't adapt when lives are lost. When a loved one gets swept away by the floods. People are vulnerable because of multilayered and historical vulnerabilities that have been brought upon them.

It's stemming from poverty, inequality, and social exclusion. It's our role to connect those dots because in this time when people are generally hopeless, we're despondent by the situation. We want to hear good news. But let's make it clear that the good news will not come from governments and the UN. The good news about real solutions will come from people, from communities, from movements.

Lena: As we've heard today, climate liability lawsuits and resources like the liability roadmap are powerful tools in the fight for climate justice. While climate liability is new on the scene, it's tools like this that can bring us closer to climate justice and making big polluters pay.

Michél: While this concludes our episode, there's a lot more to talk about when it comes to tools for climate justice. Join us as we continue exploring this topic and so much more.

Lena: This episode was co-hosted by me, Lena Greenberg, and Michél Legendre. Eric Johnson and I co-produced the show. Eric edited and mixed the show and also wrote our music.

Michél: We heard from Sriram Madhusoondanan, Hellen Neima, Nnimmo Bassey and Tetet Lauron. Thanks to everyone who joined us.

Lena: And thanks so much for listening to Subvert. If you enjoyed this episode and would like to support our work as a sustaining member, you can join our movement at corporateaccountability.org/donate.

For more information on Corporate Accountability Public Participation Africa, Health of Mother Earth Foundation, and the Rosa Luxemburg Foundation, visit corporateaccountability.org/Subvert.