

Statement of Resource Person, Naderev Madla Saño

30 November 2018, Bonifacio Day

Preliminaries:

My name is Naderev Madla Saño. I am widely known in the international community and the environmental movement as Yeb Saño. I am one of the individual petitioners in this current Inquiry.

I am honored to provide my insights as a resource person for the National Inquiry on Climate Change being conducted by the Honourable Commission on Human Rights (CHR) of the Philippines.

A copy of my curriculum vitae is annexed to this statement. My area of expertise is on climate policy, both internationally and domestically. I have been invited by the petitioners to serve as a resource person to:

- *offer insights about climate policy, in particular the gaps in international and domestic policies*
- *share my experiences from bearing witness in communities and places adversely affected by climate change through my global climate pilgrimages*
- *share my reflections regarding the momentum building up in various sectors on climate accountability and climate justice issues; and*
- *expound on the reasons and motivation for this instant petition and relate the journey of petitioners from the time of the lodging of this petition with the CHR*

It is important to note, for the CHR, that I am not a climate scientist, nor do I profess to be a scientific expert. My area of expertise, as described above is on climate policy, having been involved in this field for over two decades. Any reference I make in relation to the science of climate change is based on my in-depth study and review of scientific literature and scientific reports that have been published.

For more than two decades, I have been working on the issue of climate change, starting from leading a project that investigated the impacts of climate change on fisheries and coral reefs in the Philippines and the development of a computer modeling platform that makes projections on the impacts of climate change on fisheries. As the Director of the Climate Change and Energy Program of World Wide Fund for Nature (WWF) – Philippines from 2000-2004 and 2008-2010, I was part of the team that helped put together the Philippines' Renewable Energy Act of 2008 (R.A. No. 9513), in particular the provisions on renewable portfolio standards, net-metering, green energy option, the feed-in-tariff mechanism, and the fiscal and non-fiscal incentives for the development of renewable energy.

From 2010-2015, I served as a Commissioner in the Climate Change Commission of the Philippines. The Climate Change Commission is the Philippines' lead policy-making body on climate change.

As Commissioner, I served as the Philippines' Lead Negotiator in the United Nations Framework Convention on Climate Change (UNFCCC). In many of the negotiations rounds of the UNFCCC, I served as Head of Delegation for the Philippines. In 2013, I was elected as the Co-Chair of the UNFCCC's Long-Term Finance (LTF) Work Programme, which tackled the starkly important issue of climate finance as a crucial means of implementation for global climate action and climate adaptation.

Before being appointed as Commissioner, I have been working with local communities and international bodies since 1996, focused on domestic and international issues that relate to climate change, clean energy, biodiversity, coastal and marine resources, tourism, disaster risk reduction and local governance. I was also part of a team that actively worked on the development of programs on adaptation of marine ecosystems and coastal communities to climate change and the development of clean and renewable energy for the country. I likewise served as the National Director of the Earth Hour campaign in the Philippines from 2008-2010. After five (5) years in public service, I went back to working within civil society. I am currently employed as the Executive Director of Greenpeace - Southeast Asia. Greenpeace is an independent environmental campaigning organization which uses non-violent, creative confrontation to expose global environmental problems, and to force the solutions, which are essential to a green and peaceful future. In this role, I lead the diverse operations of Greenpeace across Southeast Asia.

I also served as Spiritual Ambassador for OurVoices, a call to people of faith and moral belief, across the world, to engage on the issue of climate change. OurVoices is an international, multi-faith campaign for strong climate action and climate justice. As part of this work, I was appointed Pilgrim Leader of The People's Pilgrimage, a special journey that highlights communities confronting climate impacts but manifesting resilience and spiritual strength. From the Philippines, this journey brought me to Vanuatu, Australia, Indonesia, Thailand, Korea, India, and culminated in a 1,500 kilometer walk from Rome to Paris from September to December 2015. I also took the role of the Pilgrim Leader of The Climate Pilgrimage, a journey on foot from Rome to Katowice from October to December 2018. All of these combined to my experience of bearing witness to climate change impacts in the Arctic region, Latin America, North America, Africa, the Pacific Islands, Europe, Australia, and Southeast Asia.

I currently serve as a Board Member of the Global Catholic Climate Movement. I am also a member of the Philippine Movement for Climate Justice. I serve as the Environmental Adviser for the Archdiocese of Manila's Ministry on Ecology.

I am also a wildlife photographer, and an avid scuba diver since 1997 with over 2,000 individual logged dives and over 1,000 snorkeling swims majority of which were in The Philippines, but also in Indonesia, Malaysia, Thailand, Vietnam, and Australia. I have travelled to all regions of the Philippines in the course of the past 25 years.

As a petitioner to this case, I regard my role as a father as one of the most important reasons for being part of this effort. I am married to Atty. Eunice Agsaoay-Saño, an environment, community, and academe lawyer. I am father to two children, 15-year old son Yanni Lorenzo Saño and 11-year old daughter Marianne Amira Saño. My dream is to leave my children a planet that is more safe, more just, and more caring.

REFLECTIONS

On the climate change crisis:

“The saddest aspect of life is that science gathers knowledge faster than society gathers wisdom.” – Isaac Asimov

Climate change is one of the most pervasive challenge that humanity has every faced. The climate crisis must be seen as the crisis that it really is.

Climate change is happening here and now, and there is no doubt that climate change increases and aggravates factors contributing to poverty and other societal problems thereby posing a tremendous challenge to social and human development. It should be stressed that the ever-increasing risk to global climate disruption is not merely a function of intensified hazards, but largely this risk is a function of people’s vulnerability, which in turn is hugely influenced by socio-economic conditions. As climate change deepens the chasm between rich and poor, the vicious cycle of poverty persists, and as conflicts within state borders and across countries worsen, more people become more vulnerable. This altogether further disrupts the access to the life-sustaining elements of nature, thereby bringing about disharmony between us humans and the ecosystems in which we live and need to survive.

If climate change is not addressed adequately, it could seriously hinder our aspirations for a brighter future for the whole world. As such, time is not on our side.

For our part of the world, it has been stressed many times that Southeast Asia, and in particular the Philippines, will be the most vulnerable region to the impacts of climate change. Reflecting on how climate change is impacting our communities, we realize that science is becoming so much clearer into focus. Every super storm we will face will have the fingerprints of climate change. A scientist friend, Michael Mann, a climate scientist at Penn State told me that if someone asks how we can link typhoons with climate change, we should offer the baseball player on steroids analogy. Take the case of a baseball player who struck 100 homeruns in one season. And then later on he is found to have been using performance-enhancing steroids. The league’s reaction would be to forfeit every homerun. And that is the right response. You do not investigate each and every home run, and analyze whether each of them can be attributable to steroids. He is simply on steroids. The same goes with typhoons. Because of climate change, each and every typhoon today is on steroids.

Adaptation to climate change is basically managing the unavoidable and mitigation is avoiding the unmanageable. Climate change has everything to do with people and communities being able to enjoy their inalienable fundamental human rights. The adverse impacts of climate change are serious: sea-level rise, temperature increase, extreme weather events, changes in precipitation patterns, ocean acidification, heat waves, forest fires, glacial melting, disruption of biological ecosystems, and many others. All of these combine to threaten human rights. We are already experiencing the implications: tragic loss of lives, large-scale displacement, collapse of food systems, unprecedented disasters, sea level rise, increase in disease incidence, loss of land, depletion in clean water supply.

The climate change equation is such that the more we fail to mitigate, the harder it is to adapt. The more people fail to adapt, the more our human rights are threatened and rendered denied. As such, the best form of climate justice is to meaningfully stop the climate crisis, and this can only be possible if the world abandons the economic paradigm that is reliant on fossil fuels. This demands system change, not incremental token change. It will require massive social and economic transformation from one that is controlled by a few, dominated by greed and arrogance, to a new world characterized by clean energy and production systems in the hands of people and communities, living in harmony with each other and with the planet.

Mitigation and adaptation is just a means to that end, and for us to truly solve the climate change problem, we will have to dismantle the power dynamics that pervade our societies. Scientific consensus tells us that for this to happen, we need to keep 80% of the remaining fossil fuel reserves where they are. Essentially, this means a rapid decline and end of the fossil fuel era.

Climate change is the defining issue of our generation. We will be measured by how we respond to this climate crisis. Despite the gargantuan challenge that climate change is, it offers the people of this planet the rare but golden opportunity to achieve transformative change. The climate change challenge will make the world a better place. Simply because it is our only option. For us to weather the storm and survive, our societies need to embrace positive change. And this means the emergence of people and communities who care about the future of humanity.

On climate justice:

Today, climate change impacts are already profoundly affecting every square inch of the world, but disproportionately being felt by the poorest and the most vulnerable communities. If the climate crisis persists and things make a turn for the worse, no street will be safe, no home will be secure.

The climate crisis is not just some environmental problem. It fundamentally threatens real lives and livelihoods. It is a real, clear and present danger to the realization of basic human rights. The impacts of climate change as we already witness on a daily basis, affects the increasingly marginalized, the vulnerable, those who are struggling to escape poverty, and those who have the least capability to

defend themselves from the onslaught of this catastrophe. And this is on top of the huge injustice that those responsible for this predicament remain powerful, retain control over vast resources, enjoys the disproportionate share of the world's material and financial wealth, and to this day remain remorseless and unaccountable.

An equally horrendous injustice we need to keep our eyes on is the intergenerational climate injustice. Do you care for your children, grandchildren, and their children and grandchildren? If rapid climate change remains unfettered, it is ultimately the future generations that will suffer most. In the logic of justice, those who have not even been born have zero responsibility for this problem but surely they will bear the biggest brunt of this great wrong. It does not matter which country they come from for climate change chooses to respect no boundaries, but surely future generations will not be thanking us for our inaction.

We must hold to account those responsible, make them stop the damage they willfully cause, and rally the whole world to end the fossil fuel era. Those who have profited the most in 'using up' the atmospheric limits that is now causing dangerous climate disruption must be held to account.

Governments and corporate behemoths responsible for lion's share of cumulative global emissions are now facing the collective indignation of seniors and youth, farmers and fishers, islanders and highlanders, indigenous peoples, survivors, grassroots organizations, trade unions, people from different walks of life. Various forms of legal actions are being pursued with the aim of holding these polluters accountable.

On the international climate policy process:

"If I have a lever long enough, I can move the world." - Archimedes

The international community has gone a long way in evolving the multilateral approach to addressing climate change, largely through the United Nations Framework Convention on Climate Change (UNFCCC), the ultimate objective of which is:

*"to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner."*¹

The UNFCCC, adopted in 1992 during the Earth Summit, is the main platform for international response on climate change. The UNFCCC lays down the

¹ United Nations Framework Convention on Climate Change. Article 2.

framework for action aimed at stabilizing atmospheric concentrations of greenhouse gases to avoid dangerous anthropogenic interference with the climate system. The Convention entered into force on March 21, 1994 and currently has 195 member Parties. The UNFCCC is the sole forum for international climate change negotiations.

As the Lead Negotiator for the Philippines in the UNFCCC, I directly worked on and witnessed the range of complex issues that the international community is trying to address in relation to the objectives of the UNFCCC.

While mitigation, adaptation, finance, technology transfer, and capacity building were the main pillars of the Convention, as they relate to the key areas of work under negotiations, the negotiations were mired in the debate between developed and developing countries, a formally-established differentiation in the Convention with its Annex I, Annex II, as well as the Annex B of the Kyoto Protocol.

While the Paris Agreement point to renewed pragmatism in the process, there remains important work to highlight urgency and raise the level of ambition especially on mitigation by developed countries and the provision of financial and technological resources so that developing countries can meaningfully contribute to combating climate change, especially between now and 2020, when low levels of ambition are anticipated to dilute the efforts to combat climate change. The Paris Agreement only starts implementation post-2020.

Recognizing the need for an effective and progressive response to the urgent threat of climate change, the Paris Agreement is an international treaty under the United Nations Framework Convention on Climate Change stipulating the approaches to combat climate change, which includes greenhouse gas emissions mitigation, adaptation,

The Agreement aims to enhance the implementation of the original Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty.

The key features of the Agreement that serves the national interest of the Philippines, includes the following²:

- The Agreement affirms the principle of equity and common but differentiated responsibilities and respective capabilities. The agreement acknowledges that climate change is a problem largely caused by developed (rich, industrialized) countries. While all countries have a responsibility for tackling climate change, the responsibilities are differentiated; the nature of obligations for rich countries are not the same as those for poor countries. The Agreement also differentiates the respective capabilities of countries in dealing with climate change; rich countries have more capability to reduce emissions than poor countries.

² Paris Agreement. United Nations Treaty Collection. 8 July 2016.

- The Agreement is based on the best available scientific knowledge. Instead of being based on political power, the effective and progressive response to the urgent threat of climate change is based on scientific evidence. This is favorable to a country like the Philippines because science shows that the best chance of solving climate change is for developed nations to take primary responsibility in reducing emissions and providing financial and technological support for developing countries.
- The Agreement recognizes the specific needs and special circumstances of developing country Parties like the Philippines, especially those that are particularly vulnerable to the adverse effects of climate change. This means the Agreement takes into account the needs of our country (poverty eradication, food security, industrialization, sustainable development, jobs, education, health, peace and order, etc)
- The Agreement emphasizes the intrinsic relationship between climate change actions, responses and impacts with equitable access to sustainable development and eradication of poverty. For example, it is not oblivious to the trade-offs between measures to reduce emissions and access to economic growth and environmental integrity. It also allows countries like the Philippines to focus on eradication of poverty, so that developed countries are directed to support the Philippines in any case that climate change responses (e.g. renewable energy, mass transport infrastructure) causes increases in electricity rates, the Philippines has the right to request for support from the international community to absorb the burden of increased electricity rates.
- The Agreement recognizes that for countries like the Philippines, among the fundamental priorities is safeguarding food security and ending hunger. This means that if climate change measures and its impacts impinge on food security and our aspiration to end hunger in every household (e.g. rice production, food distribution), countries like the Philippines will be given the space and leeway to strongly prioritize this.
- The Agreement recognizes the particular vulnerability of food production systems to the adverse impacts of climate change. For countries like the Philippines, the Agreement gives us preferential treatment in ensuring our food production systems are protected from the ravages of climate disruption.
- The Agreement takes into account the importance of just transition, in particular the transition to be accorded to labor in the process of transforming the economy from a dirty economy to a green economy. For example, as we shift from anachronistic energy sources like coal and oil to renewables like wind, solar, geothermal, hydro, we are given the latitude to shift the workforce so that they are not negatively affected by the transition.
- The Agreement treats the creation of decent work and quality jobs as imperative to solving climate change, and specifically states that any impact on the labor sector should be in accordance with development priorities that is defined by the Philippines, not by any other country.

- The Agreement strongly acknowledges the Right to Development. This means that when countries or governments implement measures or actions to combat climate change (i.e. reduce emissions, adaptation measures), these measures or actions should not infringe on the rights of people to development, to the enjoyment of ancestral domains by indigenous peoples, the right to health, etc. For example, if a project meant to sequester carbon in an area of forest is dislocating indigenous peoples or taking their right to live on the land or benefit from the resources, such a project should not be allowed.
- The Agreement acknowledges that, when taking action to address climate change, countries should respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.
- The Agreement notes the importance of the concept of climate justice when taking actions to combat climate change. For example, if an action to combat climate change puts undue and unjust burden on a country like the Philippines (which is at the receiving end of climate impacts), and in the process a rich country like the United States escapes responsibility, this should be viewed as climate injustice. An example of this is if the Philippines implements a project (e.g. wind power farm) which will earn “carbon credits” or market instruments that is bought by the U.S., it is easy to see that the U.S. did not take action on their own domestically but instead let a poorer nation take the cudgels and thus the U.S. gets a “free pass” by merely buying the credits and continuing to pollute on their own turf. This is what is called an “offset” arrangement, which does not solve climate change because there are no real reductions of emissions.
- The Agreement recognizes that developed countries should take the lead in making their lifestyles more sustainable and change their patterns of consumption into a more sustainable pathway.

The recent developments in the world political stage is showing us just how important it is for humanity to come together to make sure that those who hold the most power and resources stop crushing people's basic rights, including those to a stable climate and healthy environment. We are in the middle of it with all the individuals and communities who are now taking action on this. U.S. President Donald Trump's abdication of the Paris Agreement sends the wrong signals and has reignited the old battle-lines in the international climate negotiations process.

The United States remains as the world's biggest cumulative emitter, accounting for 25% of all CO₂ emissions that are already in the atmosphere. With the U.S. reneging on its obligations under the Convention, and now strongly dragging its feet, and ultimately wishing to unsubscribe to the climate policy regime, the political process is unraveling and the gains of the Paris Agreement, already incommensurate with what is required by science, are at great risk.

When governments were scrambling in the dying days of the COP21 climate summit in Paris to forge a new climate agreement, typhoon Melor (Nonoy) was approaching the Philippines, again uncharacteristically a few days before Christmas. As the politicians continued to celebrate the agreement, the out-of-season storm left many communities in shambles. This leads us to reflect on how words on a piece of paper crafted in diplomacy matter little to real people on the ground confronting climate impacts.

We have fairly entrusted some hope in the larger UN climate process, and in effect the Paris Agreement, as a way for the international community to take significant albeit small steps forward in confronting the climate crisis. The process through which the accord was painstakingly crafted was also a manifestation of a triumph of effective stewardship by the French hosts. But we should guard our sense of jubilation, because the Agreement is not just far from being perfect; it is far from what the world requires. It was more of a coup de grace than a victory. While the agreement provides placeholders for important fundamental issues and the preamble contains keywords that can make climate diplomats declare triumph, real people and communities on the ground impacted by the ravages of climate disruption and fossil-fueled development aggression, would find this tokenism woeful. The nations that agreed to this outcome cannot take sanctuary under a diplomatic resolution that risks trivializing the suffering of the world's poorest and most vulnerable.

The word "commitment" does not appear in the Paris Agreement. This is so because the most powerful nations on earth, developed and developing alike, refused to use this word in order to achieve a political compromise that would be expedient for governments. The endeavor of the United Nations was to enhance the implementation of the 1992 climate treaty. Instead, compounded by serious inaction, it has slipped and stumbled over the years. The Paris Agreement is a weaker agreement than the 1992 Climate Change Convention. It is also weaker than the 1997 Kyoto Protocol. What this agreement represents is the sheer avoidance of rich countries to be accountable for the climate crisis and the acquiescence of others to the weakening of the climate regime, again gravely ignoring the importance of equity, fairness, adequacy and genuine ambition.

The issue of "loss and damage" was clearly a lost cause when rich countries treated it with perfunctory interest, and was even further lost with the brutal qualifier that the issue "does not involve or provide a basis for any liability or compensation".

Promises are best measured by how one proposes to achieve them. On this count, the agreement is big on goodwill, but very scarce on concrete actions that can make good on the promises. On the means of implementation, the accord merely rehashes previous agreements and rich countries were again hugely reluctant to boost the scale of financial resources to bolster the transformation of the global economy that will save the climate, allow human and natural ecosystems to cope, and that would address the development crisis. Treating the promise of the inadequate US\$100Bn per year by 2020 as a floor is no reason to be ecstatic because climate finance is already watered down by definition, and how we even get to US\$100Bn is an enigma, with only 10% of this amount pledged so far, with many strings attached.

The Paris Agreement sets forth an ambitious global collective goal to hold the Earth's warming well below 2 degrees with efforts to limit warming to 1.5 degrees above pre-industrial levels.

In order to achieve the goal of net-zero emissions within this century, the agreement establishes a long-term framework guided by 5-year review cycles, including a close watch on the 2030 targets by 2020. Stabilization of the greenhouse gas concentrations mean countries must put forward more ambitious targets progressively. The Paris Agreement had adopted a hybrid paradigm with a bottom-up flexible nationally-driven approach combined with an international top-down system of rules to encourage ambition.

What this essentially means is that the key to solving the climate crisis lies in concrete domestic and grassroots actions and solutions.

As to ambition, the aim of strengthening the global response by “holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels” is again a diplomatic sleight of hand to appease the clamor for higher ambition but falling back on a six-year-old agreed threshold and spinning it publicly as a novel milestone.

The world continues to increase its reliance on fossil fuels, the main culprit behind climate change. In order to protect the most vulnerable, it is imperative for the world's governments and businesses to abandon dirty energy and shift to a new paradigm of economic development. Until this happens, the world is committing a big injustice to the most vulnerable.

As it stands, the collective actions pledged by all nations are not yet enough to ensure a safer climate, and as long as the spectre of unfettered climate change hangs over our heads, adaptation will always be a moving goal beyond our reach. Right now, the financial support pledged for vulnerable countries to adapt to climate change pales in comparison to what is needed. From latest data in 2016, adaptation finance only hovers below 7% of total climate finance flows globally, with 93% going into mitigation projects.

Heralded as the “start of a new beginning” and the spark of a continuing process, it is global procrastination notwithstanding. If we are to be truly honest about the Paris Agreement, we will see why the Paris Agreement is a shameless euphemism for the betrayal of the world's most vulnerable. It is akin to a new year's resolution. It is high on promises, but suspect on realization.

Do we remain hopeful? Indeed our hearts are filled with hope, because even if the Agreement changes some things, the people will change everything. Despite being treated largely as spectators on the sidelines, the people's global movement for climate justice has put itself in the forefront and has become stronger than ever. And especially for people of goodwill, the beautiful awakening marches on.

Nations have eked out what they are despondently apparently capable of. It would still be fair enough to say that after Paris we see some glimmer of hope for addressing the climate crisis, and we must continue to be watchful and confront our leaders to move more swiftly and boldly. We must hold our governments and industries to account for their inaction. Confronting the climate crisis is not just about saving the planet. It is about changing the system. The journey continues, and every step counts. Another world is possible, and we will be unstoppable. And another world is not only possible, it is imperative.

The Paris Agreement has crucial benefits to the Philippines' national interest:

- The Paris Agreement aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty.
- The Agreement aims to hold the increase of global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change; For a country like the Philippines, this is most important because if global warming goes beyond 1.5 °C, it will mean most development or economic progress we make will be negated by climate impacts; if global warming goes beyond 2°C above pre-industrial levels (since 1890s), any development effort we make cannot keep up with the massive catastrophic impacts of the climate crisis, including significantly more destructive typhoons, rapidly rising sea levels, severe droughts and water shortages, extinction of flora and fauna species, massive destruction of coral reef ecosystems, collapse of freshwater ecosystems, and massive collapse of food production systems. Ensuring that this objective is achieved IS THE ONLY OPTION for the Philippines to survive and thrive. The threat is existential.
- The Agreement aims to increase our ability to adapt to the severe adverse impacts of the climate crisis. This objective is absolutely crucial for the Philippines to continue to develop, address poverty, avoid or survive catastrophic extreme climatic events.
- The Agreement aims to foster climate resilience and low greenhouse gas emissions development in a manner that does not threaten food security. This objective is important for the Philippines especially that it is qualified by the provision that any low-carbon development approach for the Philippines should not threaten food security. For example, if reducing emissions in rice production will result in a food crisis, we are given the leeway to prioritize food security over reducing emissions from rice production. This should push us to look at sustainable ecological agriculture and progressive agricultural R&D that can provide the balance between reducing emissions and ensures food security (rice production with less water needed, thereby reducing methane emissions).
- The Agreement aims to make finance flows (e.g. money from developed countries going to developing countries) happen in order to allow countries like the Philippines to pursue a lower greenhouse gas emissions development

and to build climate resilience. The Agreement obligates developed countries to provide the support to countries like the Philippines, over and above their ODA, and over and above any humanitarian assistance in the event of disasters.

There are several things that the Paris Agreement does NOT do:

- The Paris Agreement does not ultimately solve climate change and is far from a perfect agreement. It will take more than the Paris Agreement to solve climate change once and for all. If we take into account this “voluntary system” of pledging climate action, the Paris Agreement is still going to bring us close to 3 degrees of global warming, which is unacceptable and unimaginable. However, no international agreement has the illusion of solving the problem once and for all. It is a very important step towards finding the lasting solution to climate change.
- The Paris Agreement does not replace, supersede, or repeal the UN Framework Convention on Climate Change. The UNFCCC remains as the framework convention for any new agreement and the Paris Agreement is under the UNFCCC. It should be noted that the UNFCCC is a well-balanced international treaty adopted in 1992 and all of its provisions and principles should continue to apply for all member states. The Paris Agreement does not supersede or repeal any provisions of the Convention.
- The Paris Agreement does not yet take effect today. It only enters into force as an international treaty, but only takes effect post-2020. All stipulations under the Paris Agreement will only be implemented after the year 2020.
- The Paris Agreement does not create legally binding mitigation commitments. The legal nature of ‘contributions’ is starkly different from ‘commitments’. The word “commitment” does not appear in the Paris Agreement, because developed countries (e.g. U.S., EU, Japan, Canada, Australia, etc) and emerging economies (Brazil, China, India, South Africa) refused to use the word “commitment.” Other developing countries like the Philippines wanted the use of “commitment” for developed countries, and “contribution” for developing countries. In the end, instead of all countries having “commitments”, all countries now have “contributions”. Until today, the legal bindingness of “contributions” is a gray area and erring on the side of caution, “contributions” should not be interpreted as being legally binding. Wittingly or unwittingly, the Paris Agreement in a way allows developed countries to evade the legally binding commitments they had under the Convention and the Kyoto Protocol.
- The Paris Agreement does not terminate or conclude the negotiations in enhancing the implementation of the original Climate Convention. Between 2016 and 2020, negotiations will continue to determine the rules, mechanisms, and arrangements for the implementation of the Paris Agreement. The

negotiations from 2016 to 2020 is ever more crucial, because the devil is in the details. This is the time where powerful countries can manipulate the process through diplomatic blackmail, intimidation, bullying, arm-twisting, and horse-trading. The Paris Agreement was merely a diplomatic compromise to capture the progress of negotiations since the Bali Action Plan was adopted in 2007. By no means is this process concluded. It is evident in the text and language of the Paris Agreement that more work needs to be done and the Paris Agreement is not the conclusion of this whole endeavor to continuously improve the international response to climate change.

- The Paris Agreement does not mention the phrase “fossil fuel” even once. This is mainly because there will never be consensus among governments about the role of fossil fuels in the global economy in the foreseeable future, as politics is highly influenced by the fossil fuel industry. While the Agreement lays down the aim of full decarbonisation by the mid-century, it does not go as far as pinpointing the fossil fuel industry, despite the clear science around climate change and the role of coal, oil, and gas in fueling this crisis.

On the Role of The Philippines:

*“If not us, then who? If not now, then when? If not here, then where?”-
Abraham “Ditto” Sarmiento*

The Philippines signed on to the UNFCCC on June 12, 1992. The Philippine Congress ratified the Convention on August 2, 1994 and thus entering into force for the Philippines on October 31, 1994. The Philippines signed on to the Kyoto Protocol on April 15, 1998 and ratified the Protocol on November 20, 2003. The Kyoto Protocol required the ratification of at least 55 countries under its Annex B representing at least 55% of global emissions in order to enter into force. The Kyoto Protocol entered into force on February 16, 2005 after the Russian Federation (which accounts for 17.2% of emissions) ratified it. The Philippines, being a signatory and Party to both the UNFCCC and its Kyoto Protocol, have obligations under the Convention as outlined in Article 4.3

The Climate Change Act (Republic Act 9729) of 2009, and as amended by R.A. 10174, mandates the Climate Change Commission to represent the Philippines in the international climate change negotiations.

It should be noted that the Paris Agreement only entered into effect for the Philippines on April 22, 2017. This said, the Paris Agreement is not the starting point for the Philippines’ efforts on climate adaptation. The Philippines had started to work on adaptation many years ago, including the crafting of the National Strategic Framework on Climate Change (2010) and the National Climate Change Action Plan (2011) both of which outline the adaptation needs and the necessary programs to combat the effects of climate change, one of the most salient of which is the mandate for local communities and LGUs to carve out their Local Climate Change Action

Plans. The Philippines has advanced policies on climate change, and we are aware of ongoing initiatives led by the government on building resilience and preparedness aimed at enhancing the capability of local communities to reduce risk from climate change. However, the severity of climate impacts and the continuing persistence of the climate problem impinges on the country's ability to effectively cope with the adverse impacts. This is why a lot of work needs to be done even and despite of the Paris Agreement.

I wish to illustrate a point regarding the premise of the Duterte administration's reluctance to abandon fossil fuels as a means for running the engine for economic development.

The unsettling premise of President Duterte's vision is that he seems to envision, to a huge extent, the same kind of development as the superpowers and the already industrialized nations. I'd like to think that this administration would have a more wholistic vision of development, as we have heard the President firmly and ardently profess his patriotism, care for the environment, and fidelity to the poor. The doggedness and determination to rid this country of criminality, drug abuse, and corruption, promote equitable social and economic development, solve the horrific transport and mobility problems, dismantling imperial Manila, among others, manifest that keenness to pursue a wholistic development vision. Unfortunately, the energy policies of the Philippines continues to become incoherent with such a vision.

Currently, the Philippines Power Capacity comprises 32.5% Renewables with (6,962 MW Installed Capacity), compared with coal with 34.6% (7,412 MW installed capacity), oil 16.9% (3,620 MW installed capacity), and natural gas at 16% (3,427 MW installed capacity).

Currently, the Philippines Gross Power Generation comprises 24% Renewables, 48% coal, 22% natural gas, 6% oil.³

However, the Philippine's energy plan points to maintaining a 40% share for coal for its Primary Energy Mix by 2040. This is compared to coal's 22% share in the Primary Energy Mix. This is tragic and incredible. The Philippines seems to be bent on increasing its coal capacity. This is contrary to the earlier plan for the Philippines National Renewable Energy Program to increase the RE-based capacity of the country to an estimated 15.3 GW installed capacity by the year 2030, more than double its current level, and to at least 20 GW by 2040, also announced by the Department of Energy through the Renewables Readiness Assessment done by the DOE together with the International Renewable Energy Agency. And this is despite the renewable potential of the Philippines, with:

- Geothermal > 4,000 MW
- Wind resource > 76,600 MW
- Hydropower > 10,000 MW
- Solar > 5 kWh/m²/day
- Ocean > 170,000 MW

³ Department of Energy

More importantly, this is contrary to the moral imperative of the climate crisis.

The mistakes of the industrialized countries have made this world what it is today, especially the unredeemable characteristics of our modern era: dangerous disruption of the climate system, ecosystems on the brink of ecological collapse, spiraling of the global economy, more people driven into poverty, species extinction, severe scarcity of water resources, rise to power of the oligarchy, food insecurity, depletion of unrenowable natural resources; these among many other challenges.

It is in our best interest as a nation to avoid these mistakes and maintain our moral leadership in the fight against climate change, to rally and inspire the rest of the world against this battle that we cannot afford to lose. Not only because we care enough about this issue, but because it is possible to end the fossil fuel era and bring about a new world.

Confronting climate change by abandoning dirty energy is not akin to stepping on the brake pedals of our economic development. It is about taking that new road, less traveled, but one that leads us to a sustainable future. Pursuing development does not have to rely on the outmoded fossil fuel apparatus. The future is bright and there is hope. The country must immediately leapfrog to the future.

As can be seen from the intent, the key elements, and the objectives of the Paris Agreement, it is of utmost importance for the Philippines to preserve these intent, elements, and objectives as they clearly protect the Philippines' national interest. Nothing in the Paris Agreement impinges on the Philippines' right to development, nor is there anything that seeks to put the Philippines at a disadvantage. To the contrary, it is in the actual implementation that the Philippines is short-changed by rich and powerful countries. It is in actual delivery that big countries like the US, EU, Japan, Canada, Australia fail to provide support to developing countries. The track record of these countries in fulfilling their financial obligations under the Convention is dismal, and the Philippines has not really received genuine climate finance, and in the few cases that it had received some kind of finance, there were strings attached.

The Paris Agreement is still work in progress, and the negotiations are continuing. The Philippines should continue to sit on the negotiating table in order to ensure the voice of the most impacted communities have a seat at the table, to ensure that there is a voice for climate justice, a voice that fights against climate hegemony, a voice that stands up against the big polluters, a voice that will fight for the future of the Filipino people. We do not want the powerful countries to dominate this process, and the Philippines has shown it can punch above its weight because we have everything to lose if the whole world collectively fails. As the rules, mechanisms, and arrangements for implementing the Paris Agreement is going to be negotiated between now and 2020, it is absolutely crucial for the Philippines to have our best negotiators sitting in the negotiating room. Waiving our right to be there means we let the powerful countries dictate the shape of this Agreement. We just simply cannot afford to let them mangle this agreement to serve their interests, which is mainly to preserve the status quo, preserve global oligarchy and maintain the power in the current world economic order. Their actions belie their diplomatic

pretenses, and it is important that the Philippines remain in the room to confront them and fight on equal footing with the largest nations.

On bearing witness to the impacts of climate change around the world:

It would be difficult to forget November 8th of 2013 when the strongest storm ever to make landfall in human history hit the Philippines, with Tacloban City as the epicenter, and left a massive trail of devastation, claiming tens of thousands of lives, rendering millions homeless, destroying billions of dollars worth of crops, infrastructure, and habitats. Just as the country was reeling from the monster storm, I was given the difficult duty of addressing the UN Climate Summit in Warsaw. I tried to keep my tears at bay but the moment got the better of me. I appealed to the whole world to take urgent action on climate change. The climate crisis is madness. I almost lost my own brother, Guerrero Saño, a fellow petitioner to this petition, when Super Typhoon Yolanda devastated the country. He had survived, and was helping gather bodies of the dead, his best friend Jonas “Agit” Sustento among them. Jonas died with his wife, 3-year old son, father, and mother. The headstone at their grave was etched the fateful date of November 8, 2013 with all five names engraved. The remains of his father and of his son have never been found. Only his sister Joanna, and brother Julius survived.

From the tragedy that was Yolanda, with a group of concerned organizations and individuals, we organized the *Climate Walk: A People’s Walk for Climate Justice*. The walk started from Kilometer Zero in the heart of Manila and arrived at Ground Zero of Super Typhoon Haiyan in Tacloban on November 8, 2014, commemorating the first anniversary of the devastating typhoon. The journey brought us through parts of Metro Manila, and the provinces of Laguna, Batangas, Quezon, Camarines Norte, Camarines Sur, Albay, Sorsogon, Northern Samar, Samar, and Leyte. Many of the Barangays, Municipalities, and Cities we passed through have experienced some of the most devastating typhoons and massive droughts in recent history, and their stories gave us a clear picture of how their lives are being profoundly affected by the changing climate.

In January 2015, I was reached by a group called GreenFaith, an inter-faith environmental advocacy organization based in the United States. At the same time, after Pope Francis’ visit to Tacloban, the Global Catholic Climate Movement was formed, and both groups reached out to me, inviting me to join and lead the inter-faith movement.

GreenFaith launched a campaign called OurVoices, a call to people of faith and moral belief, across the world, to engage on the issue of climate change. OurVoices is an international, multi-faith campaign for strong climate action and climate justice. I was invited to become Spiritual Ambassador for OurVoices. As part of this work, I was appointed Pilgrim Leader of The People’s Pilgrimage, a special journey that highlights communities confronting climate impacts but manifesting resilience and spiritual strength. From the Philippines, this journey brought me to Vanuatu, Australia, Indonesia, Thailand, Korea, India, and culminated in a 1,500 kilometer walk from Rome to Paris from September to December 2015. I

also took the role of the Pilgrim Leader of The Climate Pilgrimage, a journey on foot from Rome to Katowice from October to December 2018. All of these combined to my experience of bearing witness to climate change impacts in the Arctic region, Latin America, North America, Africa, the Pacific Islands, Europe, Australia, and Southeast Asia.

People from all walks of life from different faiths, and none, embarked on The People's Pilgrimage. The Pilgrimage involved a series of walks and journeys from various spiritual bailiwicks within and around Europe, with all roads leading to Paris, the host of the 2015 Climate Change Summit for the United Nations. Likewise, simultaneous solidarity pilgrimages took place in North America, Latin America, Africa, and Asia, Oceania, and the Pacific. The Pilgrimage from Rome to Paris was a central part of The People's Pilgrimage, heralding once again a special journey for people and communities who care about the future of humanity.

From Tacloban City, I started this global pilgrimage, and found myself in the Pacific island nation of Vanuatu. In March 2015, Tropical Cyclone Pam left great devastation in Vanuatu and other neighboring states in one of the worst disasters that have ever hit these countries. It was in Vanuatu that I met people from Tuvalu, Fiji, Kiribati, Tonga, Solomon Islands, among other Pacific island nations devastated by Cyclone Pam. I was witness to their grief, their desperation, their fear of what the future brings. But I was also witness to their determination, courage, and resolve. They will not go down without a fight. The Pacific Climate Warriors banded together to fight for their islands, for their future, and for humanity.

The pilgrimage brought me to the gateway of the Great Barrier Reef on the eastern coast of Australia, where I saw the massive damage that warmer ocean temperatures were inflicting on the world's largest barrier reef. In the next two years after my visit, scientists had observed massive coral bleaching, and by 2018 they had declared half of the Great Barrier Reef dying because of climate change.⁴

I had the privilege of meeting communities in South Korea, Indonesia, Thailand, Malaysia, and Vietnam on the impacts of climate change they are starting to experience, as well as on issues that are strongly linked to climate change. Flooding in Thailand has become worse than ever before, and this has direly affected both communities, as well as industry. In South

The adverse effects of climate change, which include higher surface temperatures, droughts, floods, more intense storms, and sea level rise, pose a serious risk for Thailand's communities, in particular their agriculture sector. Bangkok has also seen a rising risk of flooding, and projections put the mega-city at risk of being underwater in 20 years. The Thai people have related their fears of how climate change is damaging their agriculture, and their key economic driver – tourism. All of these will combine to have grave economic and social, as well as cultural and ecological impacts.

⁴ Hughes, et al. *Nature*. Volume 556, pages492–496 (2018). Global warming transforms coral reef assemblages.

In South Korea, communities have shared their stories of how they are experiencing the extremes in climate conditions, having gone through the worst snowfall in decades, their heaviest rainfall in recorded history, and their worst drought in history.

In Indonesia, communities are grappling with the complex issue of deforestation, which further aggravates the climate situation, but both because of climate change and tremendous demand for commodities such as palm oil, their ancient forests are disappearing. Indigenous communities in Indonesia fear for their future, as their forests continue to disappear at an alarming rate of one football pitch every minute.

The pilgrimage brought me to India, and the arrival of this inter-faith global environmental movement was seen as an important milestone in a country that has suffered the extremes of climate through heat waves, droughts, floods and cyclones but also shows leadership with massive investment in clean solar power. We walked through the vast solar park in Gujarat, where you can see solar panels as far as the eye can see. I also walked through other places in India including Varanasi, Visakhapatnam, where the communities tearfully described how cyclones, floodings, and heatwaves were destroying their lives and livelihoods.

Before I started the pilgrimage, I had the rare fortune of journeying to the Arctic Ocean, aboard the Greenpeace ship *Esperanza*. The ship sailed to the edge of the sea ice near the end of the Arctic summer in 2014. According to our ship captain, the sea ice had been increasingly retreating year by year. Our mission there was to measure the extent of sea ice in the summer but also to bear witness to the dramatic changes taking place.

As I witnessed with my own eyes the sublime and spectacular beauty of the Arctic, I realized that we live on a deeply interconnected planet. What happens all over the world affects this region in seriously profound and intricate ways. And what happens in the Arctic affects the entire world.

My sojourn to the Arctic, highlighted by our forays to the edge of the sea ice pack and the magnificent glaciers around Svalbard, has been a powerful one. I experienced first-hand the splendour and radiance of nature on the top of the world. Standing on ice floes in the Arctic Ocean and walking beside a melting glacier proved to be breathtaking. It is also interesting to note that 20 Filipinos live in Longyearbyen, the main town in the Svalbard archipelago.

The experience reminds me of our minuteness, as well as of my own humble mortality. It is fascinating to realize how small we can be especially when exposed to the harsh elements of this frigid region. But what is disconcerting about the encounter is that it underscores that we live on a very fragile planet, and the Arctic, despite its magnificence, is a very fragile place.

What we see in the Arctic is something that is in grave danger of being lost forever. Already, the past ten years have seen the lowest minimum sea ice coverage

ever recorded and this year is poised to join that list. The repercussions are serious, and further decline of the Arctic sea ice can spiral towards fatal consequences.

It is clear that the human footprint has profoundly altered the planet in ways that we never imagined. The trend is blatantly clear; the Arctic ice is disappearing before our eyes, and our generation might be the last one to see the Arctic frozen, as it should be.

As I stood on the top of the world, I felt an overwhelming sense of foreboding. As the Arctic melts, the consequences to the whole world will be catastrophic. Coming from a country ravaged by increasingly intense typhoons, going to the Arctic is like connecting the dots – the very clear and bold dots – of climate change. Saving the Arctic means saving the planet. Saving the Arctic means preventing catastrophic impacts the world over.

What is even more vexatious about the plight of the planet is that the very cause of climate change and the melting of the Arctic – fossil fuels – is enticing a mad rush for more exploration as more of the Arctic Ocean is exposed to easier resource exploitation and shipments of coal that would ply the northern route. This is a madness of fatal proportions.

We can stop the madness. Saving the Arctic will require tremendous effort and the challenge will be difficult. It will mean world leaders must keep their eyes on the ice. It will require a massive planetary awakening from a deep slumber. It means looking away from fossil fuels and it will demand a rapid transition to a clear energy future and vigorously pursuing the goal of 100% renewables by 2050.

Saving the Arctic means saving the planet. Saving the Arctic means preventing catastrophic impacts the world over. As my country is worth fighting for in the face of devastating storms, the Arctic is worth fighting for in the face of reckless greed.

Why this Petition in 2015?

When a group of environmental activists and faith communities decided to embark on a 1500 km, 60-day pilgrimage from Rome to Paris, culminating at the COP21 climate talks in 2015, the urgency I felt wasn't just scientific or political, it was also very personal. After so many failed negotiations, this was our chance to make a strong statement that world leaders needed to hear: we need action on climate change and we need it now.

Today, I have just returned from another 1500 km, 65-day walk from Rome to Katowice, carrying a more heightened sense of urgency.

These global pilgrimages actually reach further back to November 2013. As a Climate Change Commissioner for the Philippines then, I made an impassioned speech in front of thousands of dignitaries from 195 countries at the UN Climate Summit in Warsaw, Poland.

As I delivered my [intervention](#) about the threat of climate change to communities, I tried to keep my tears at bay, but my emotion got the better of me. Typhoon Haiyan was ripping through the Philippines, tearing through communities and cities, killing at least 10,000 people, displacing millions, and leaving the country in an emotional black hole. Images of dead bodies were seared in my mind, and it was all too personal. I had feared that my brother was among the fallen. Thankfully, he survived, and during the People's Pilgrimage in 2015, he walked with me - a reminder of how easily I could have lost him to an extreme weather event. Every step we took was a prayer for the friends and loved ones we had lost.

We are already experiencing climate change impacts, including sea-level rise, hotter temperatures, extreme weather events and changes in precipitation. These in turn, result in human rights impacts, such as loss of homes and livelihoods, water contamination, food scarcity, displacement of whole communities, disease outbreaks, and even the loss of life. According to the Union of Concerned Scientists, "there is now an overwhelming scientific consensus that global warming is indeed happening and humans are contributing to it." The dire threats posed to the Philippines are well documented.

Experts have also demonstrated the central role that fossil fuel companies have played in locking society into the use of fossil fuels and undermining climate action. It is shocking to think that, as far back as 40 years ago, ExxonMobil already knew from research done by their own scientists, that burning fossil fuels could worsen climate change. Their reaction? Some oil companies ran an expensive disinformation campaign, mimicking the playbook employed by the tobacco industry to confuse the public over harm from smoking. Now, they are under investigation by at least two US attorneys general for this massive climate denial campaign.

But there is light at the end of the dark tunnel. People cannot and will not accept these threats and are now taking action to protect themselves and their families, communities, and future.

In the Philippines, I joined disaster survivors, community groups and Greenpeace Philippines to successfully petition the Human Rights Commission to launch an investigation into the responsibility of fossil fuel companies for human rights impacts of climate change. Despite the growing number of human rights issues that continue to plague the Philippines', the Commission nevertheless sees the utmost urgency and have announced that it will move forward with this first-ever national inquiry.

Our efforts in the Philippines are part of a global chorus of [climate-related legal efforts](#). Swiss grannies, youth groups in the US and Norway, Indigenous Peoples in Canada, Dutch citizens, allied organisations and Greenpeace supporters - these are just some of the courageous people taking action to defend human rights in this era of climate crisis. These actions give us hope that humanity will be able to live up to the commitments made in the Paris Agreement by limiting temperature rise to 1.5°C and keeping fossil fuels in the ground.

Anna Abad, the climate justice campaigner who was instrumental in moving this petition to where it is now, had been relentlessly advocating that the “Big Polluters” be held accountable, and has presented the tough choice before us, thus:

Do we leave our world of 7.4 billion people - almost half of whom live on less than US \$2.50 a day - in the hands of Big Polluters who only want to safeguard their profits and maintain business as usual, while their operations continue to drive climate change and impact the lives of hundreds of millions of people globally?

Do we leave our world in the hands of negligent governments that are failing to protect their citizens from the impacts of climate change?

Or, do we rise above with those seeking climate justice; with those holding the Big Polluters accountable for the harm they have contributed; with those holding their governments accountable for failing to protect their citizens; and with those demanding change, to protect and safeguard their and our human rights to a stable climate and healthy environment?

We need to make the choice now, because as long as climate change exists, every day is a difficult day for human rights.

We also realize tonight that National Human Rights Institutions (NHRIs) stand at a unique crossroads as they embrace their role in this growing movement. We also must pay tribute to your extraordinary courage. NHRIs allow our vital voices to be heard. NHRIs can now be part of this movement to unshackle us from the key barriers to justice, and with our help, they can help move us towards a shift in the balance of power and the narrative around responsibility and accountability, change the power dynamics that have led to this crisis. Let us not forget that these institutions face daunting challenges. In this day and age, human rights are sacrificed at the altar of profit and power. Today, many of our societies face severely decreasing civic space. We are inspired to hear NHRIs, without fear or favor, are now engaging meaningfully on the climate issue.

As the Philippines’ national hero Jose Rizal once professed, “the tyranny of some is possible only through the cowardice of others.” I believe that the bravery of a few is enough to topple the tyrant. This means that even the bravery of all the people in this room is enough to topple the empire.

This is our time. This is our time to claim what is our collective birthright and we must rise to the occasion. The choices are laid down before us. We can choose a path of misery, with the climate crisis worsening. Or we can choose a path of hope which means embracing the most massive social, economic, and political transformation characterized by harmony and justice where people care and we are free from the threats from greed and injustice.

Through these legal actions and many other community-powered actions, what we are witnessing is a momentum of people are standing up against greed,

against arrogance, against apathy. And so to those who stand up and link arms for what is right, we must stand with them. To those who walk towards the new dawn of justice, we must walk with them.

We are truly honored to be walking with all of you on this most important journey. To reinterpret the words of the Philippines' national hero, I may die without seeing the dawn brighten over our Earth, but we have planted the seeds of change. For those who will eventually live to see the sunrise, stand proud, embrace and bathe in the light, but forget not those who have fallen during the night.



Naderev "Yeb" Madla Saño
30 November 2018