

Why liability?

Now is the time to hold polluting industries liable.

For years, people and organizations around the world have called for polluting and destructive industries to be held accountable for the damage they have knowingly caused and intend to continue to cause. In 2019, hundreds of organizations and hundreds of thousands of people united to say, with one voice: It's time to [make Big Polluters pay](#). This global call urges world decision-makers and movements to act to hold liable the industries and corporations that have fueled and continue to worsen the climate emergency. The liability roadmap contains guidance for decision-makers and movements detailing *how* to do this at the local, national, and international level.

Climate inaction is placing entire countries and billions of lives on the line.

The crisis is only deepening. We are breaching environmental tipping point after environmental tipping point. Science now shows that the Arctic sea ice could be completely gone far sooner than predicted (as early as 2035)[1], which would release the equivalent of 25 years of human emissions into the atmosphere.[2] It also shows that we may already be facing around 10 meters of sea level rise.[3] The climate inaction civil society has warned of is now an increasing certainty.

Climate inaction is placing entire nations and billions of lives and livelihoods directly at risk.[4][5][6][7] Many of these lives are simultaneously threatened by the COVID-19 pandemic and brutal, systemic racism. Deeply entrenched inequities, perpetuated by corporate greed, have placed Global South communities, Indigenous people, Black and other people of color, women, workers, farmers, peasants and low-income people squarely on the front lines of both climate change, and COVID-19, and the social and economic crises unfolding around them.

Polluting industries have fueled the climate crisis and delayed climate action - and have no plans to stop

While communities around the world are fighting for their lives, polluting, destructive industries like the fossil fuel industry and agribusiness are preparing to ramp up expansion for their own greed. For example, the recent [Production Gap Report](#) indicates that there are currently plans to produce more than twice as much fossil fuel by 2030 than is consistent with the commitment made in the Paris Agreement to keep global temperature rise to as close to 1.5 degrees Celsius as possible.[8] The trading and selling of just four products—industrially produced beef, soy, wood, and palm oil—is the main driver of deforestation in the world.[9] The Intergovernmental Panel on Climate Change attributes 23% of global greenhouse gas emissions to agriculture and land

use.[10] When adding other elements of the globalized food system, studies suggest this figure is as high as 40%.[11][12]

At the same time, these polluting corporations depend on a system built on corporate fascism and the exploitation of people, racism, and the oppression of women. And they manipulate this system to their benefit, treating human lives—especially the lives of people of color, women, and frontline communities such as Indigenous peoples, peasants, fisherfolks, pastoralists, nomadic and rural peoples—and the natural world as expendable. They are attempting to profit from the COVID-19 pandemic and they are demanding government bailouts.[13][14][15][16][17] Along with pushing for more draconian laws, they are also rolling out PR schemes that paint themselves as saviors in a crisis they were central to orchestrating.[18][19][20] They regularly use international trade and investment agreements to bypass justice in courts, intimidate governments seeking to hold them accountable, and access public money through arbitration claims.[21][22] They are attempting to push forward unreliable and risky climate techno-fixes such as carbon markets and geo-engineering that won't work and that will exacerbate existing inequities and human rights violations. And whether agribusiness or fossil fuels or forestry sector, they are the biggest barriers to systems change, causing delays that make climate change even worse.[26][27][28][29]

All of this while spurring food shortages as a result of small-scale farmers being cornered into growing genetically modified products to sustain the livestock, meat, and dairy industry instead of feeding local people.[30][31] They are stealing people's land, forcing communities around the world away from their homeland, and committing immeasurable human rights abuses and eco-destruction. Examples include Monsanto's products causing chemical poisoning for farmers, communities, and ecosystems,[32] Big Oil's link to racist police brutality through their funding of police forces in the United States,[33] Nestlé's known practice of child labor,[34] Shell's reported role in murder in Nigeria,[35][36] and the meat industry's chopping down of 71% of the Amazon rainforest across seven Latin American countries.[37]

Moreover, these very industries are in large part responsible for the multi-faceted crises we're facing. They knew for decades their activities were fueling climate change, but they funded denial and junk science to delay action.[38][39] They've simultaneously driven the deforestation, extinction and biodiversity loss crises that drive animals out of their habitat and enable pathogens to spread around the world. They have extracted wealth from and perpetrated environmental racism in communities of color and Indigenous communities around the world. They have eroded the power of governments to effectively address global disasters like the climate crisis and COVID-19—disasters that are increasingly devastating and expensive. As a result, we are now likely to breach 1.5 degrees Celsius of warming by as early as 2030. These polluters are the ones who should be paying, not being bailed out.

By holding polluting industries liable, we can end their abuses, unlock the finance needed to advance real solutions, and justly address the climate crisis.

The need is tremendous. But so are the potential resources that become available when polluting corporations are held to account. For example, in 2019 alone, Exxon Mobil, Royal Dutch Shell, Chevron, BP, and Total S.A. had revenues totaling approximately US\$1.35 trillion.[40] Similarly, in 2018 the combined revenue for the top 10 agribusiness corporations in the world—which includes Cargill, Yara International, Syngenta, and Bayer AG—was US\$432.61 billion.[41] Compare these numbers to the 2019 combined GDP of five of the developing countries (Mozambique, Ethiopia, the Philippines, Fiji, and Bangladesh) hardest hit by climate change: approximately US\$786 billion.[42]

While vast resources are urgently needed so that frontline countries and communities can address the climate crisis, no amount of financial compensation can absolve the damage and violations that people around the world have endured at the hands of polluting industries. Equally, no amount of compensation buys a license to continue with pollution or abuses. But by holding polluting industries liable—including the fossil fuel, mining, bioenergy, and agribusiness industries—we can, among other things:

- Release urgently needed funding to address the climate emergency by requiring that these actors pay (not only through financial compensation) for the past, present, and future damage they cause(d), and to prevent further damage.
- Revoke corporations' license to continue "business as usual."
- Contribute to bringing about the systemic change needed to ensure a world where people and the planet thrive and where global average temperature rise is kept below 1.5 degrees Celsius, including through delivering real climate solutions such as those laid out in the [People's Demands for Climate Justice](#).
- Help end the status quo that has sacrificed frontline countries and communities in the name of polluters' profits.
- Strengthen international climate action alongside equity, deliver reparations, honor historical responsibility and climate debt, and protect present and future generations.
- Strengthen protection of human rights and Mother Earth.
- End the corporate capture of policy and decision-making processes nationally and in multilateral spaces, strengthening participatory democracy "from the bottom up."

Liability is not a groundbreaking idea. It is a concept that has been practiced by communities around the world for centuries, through restitution, reparations, and legal, legislative, cultural, and other means. Some examples of diverse communities around the world that are calling for liability for polluters include: [fisherfolk in India](#), global social justice movements calling for the payment of climate debt through [COVID-19 recovery packages](#), [Black communities](#) demanding reparations in the U.S., and [legal experts](#) all over the world. When done comprehensively, holistically, and equitably liability also has the potential to proactively end (not only respond to) practices that are abusive to people and nature.

This roadmap is a tool that charts exactly *how to hold polluting industries liable*.

The [liability roadmap presented here](#) draws from the vast experiences of communities and social movements around the world, particularly those across the Global South and the frontlines of the climate emergency. It presents decision-makers—including government officials, civil society, and movements at all levels of government—with a menu of measures and tools they can use to 1) finance the systems change we urgently need, 2) access publicly controlled solutions, and 3) justly address the climate crisis.

Of course, enacting the policies and measures laid out here is simply the first step: There will be much work to do to ensure these measures are fully implemented and move us toward the transformative change the world needs.

Amidst a global pandemic, an international recession, and a public health crisis, the unjust systems that have fueled climate change and caused centuries of great injustice are crumbling. We are now faced with the choice to lay the foundation for a better, livable world—one where people and nature thrive—or to fall back on the systems of oppression, racism, and colonialism that have only served to entrench the power of an elite few. That more beautiful, fairer world becomes possible in part by holding accountable and liable the industries that have knowingly driven countries, communities, and the planet to the edge of collapse.

Science shows that the actions we take now will shape the course of action for the next 10 years,[43][44] and in turn they will determine whether we are set to experience environmental and social collapse. Decision-makers around the world should lead by example and embrace the unprecedented moment we are in to shift power into the hands of people and communities and work together to build new, equitable, people-centered systems now.

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