

# Supporting Implementation of the Paris Agreement through Climate Litigation and Legislation Reforms. **The Case of Huaraz**

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Glacier Lake Palcacocha  
above the city of Huaraz (Peru)

# MAPA DE PELIGROS ZONAS DE INUNDACIÓN ANTE ALUVIÓN POR DESBORDE DE LA LAGUNA PALCACOCHA


## LEYENDA

 ZONA\_SEGURA

 ALBERGUE


 rutas de evacuacion


 RIOS

 Aluvion de 1941

## ALUVION

### ALTURA DEL AGUA

 1 a 3 mts. de agua

 menos a 1 m. de agua

 mayor a 3 mts. de agua



## TELÉFONOS DE EMERGENCIA

- Defensa Nacional Ancash 432038 / Anexo 131
- CIA Bomberos 42-3333
- Comisaria PNP 42-1338
- Radio Patrulla PNP 42-4980 / 8422800 / 105
- SOCAMEC 43-6686 / 8422928
- Serenazgo Provincial Hz 42-7700 / 42-9555
- Serenazgo Independencia 38-6262 / 8982238

- CDE OIRES Ancash 48-6160 / 9560727733
- Defensa Civil Región 42-6688
- Defensa Civil MDI 42-2848 / 7809271
- Hospital VGR - Hz 42-7120
- Clínica San Pablo 42-8811 / 42-8806
- SAMU - Emergencias 105
- EPS CHAVIN 42-1141 / 42-7540



DPCED  
DILES ANCASH

# Legal Base and Claim

## § 1004 German Civil Code (BGB)

(1) If property is interfered with by means other than removal or retention of possession, the owner **[i.e. Lliuya]** may require the disturber **[i.e. RWE]** to remove the interference. If further interferences are to be feared, the owner may seek an injunction.

## Request

"to determine that the respondent is liable, proportionate to its level of impairment of 0.47% **[i.e. RWE's share of global CO<sub>2</sub> emissions]**, to cover the expenses for appropriate safety precautions [...] to protect the claimant's property from a glacial lake outburst flood from Lake Palcacocha [...]"

# The case of Huaraz summarized

<b>Plaintiff v. Defendant</b>	<b>Lliuya v. RWE</b>
<b>Source of Obligation</b>	German Civil Law (private nuisance)
<b>Request</b>	<ul style="list-style-type: none"><li>• Declaratory Judgement</li><li>➤ proportionate compensation, according to share of global GHGs</li></ul>
<b>Status</b>	<ul style="list-style-type: none"><li>• <b>Nov 23, 2015 Action</b>, District Court Essen (DE)</li><li>• <b>Dec 15, 2016 Dismissal: there is no legal causation</b><ul style="list-style-type: none"><li>➤ partial contribution is <u>not</u> legally sufficient</li><li>➤ partial contribution of 0.47% is <u>not</u> legally significant</li></ul></li><li>• <b>Feb 23, 2017 Appeal</b>, Higher Regional Court Hamm (DE)</li><li>• <b>Nov 13, 2017 Oral Hearing: there is legal causation</b><ul style="list-style-type: none"><li>➤ partial contribution is legally sufficient</li><li>➤ partial contribution of 0,47% is legally significant contribution</li></ul></li><li>• <b>Nov 30, 2017 Order to take evidence</b><ul style="list-style-type: none"><li>➤ partial liability if partial causality can be proven</li><li>➤ questions of evidence: disturbance, causation, attribution</li></ul></li></ul>



**thank you for you attention!**

**More information can be found at: [germanwatch.org/en/huaraz](https://www.germanwatch.org/en/huaraz)**

