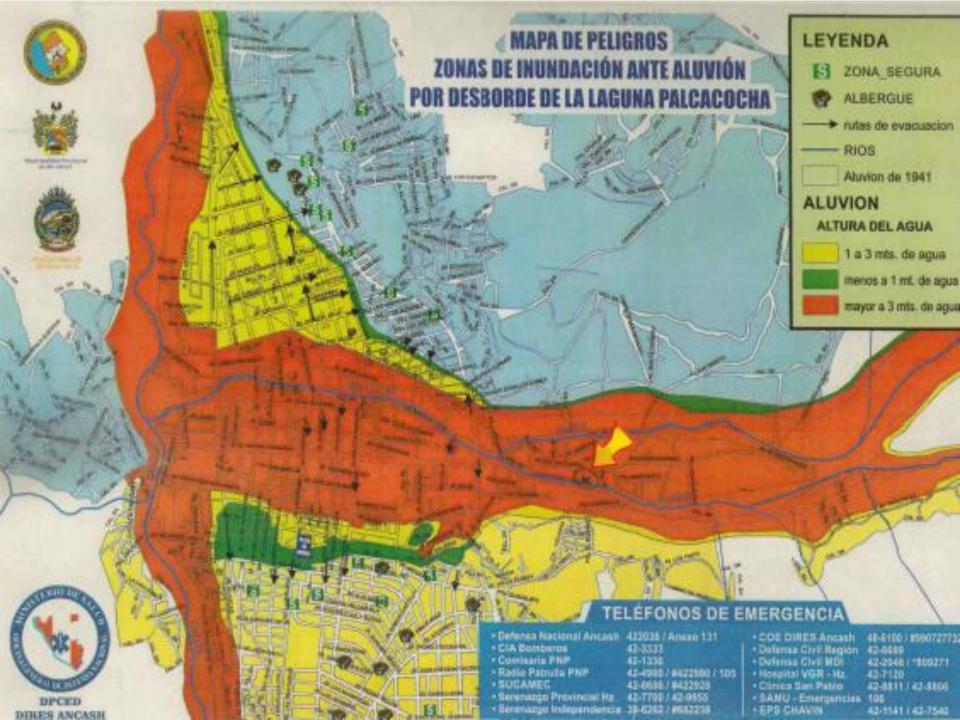
Supporting Implementation of the Paris Agreement through Climate Litigation and Legislation Reforms. The Case of Huaraz

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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 CO₂ 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

Plaintiff v. Defendant	Lliuya v. RWE
Source of Obligation	German Civil Law (private nuisance)
Request	 Declaratory Judgement proportionate compensation, according to share of global GHGs
Status	 Nov 23, 2015 Action, District Court Essen (DE) Dec 15, 2016 Dismissal: there is no legal causation partial contribution is not legally sufficient partial contribution of 0.47% is not legally significant Feb 23, 2017 Appeal, Higher Regional Court Hamm (DE) Nov 13, 2017 Oral Hearing: there is legal causation partial contribution is legally sufficient partial contribution of 0,47% is legally significant contribution Nov 30, 2017 Order to take evidence partial liability if partial causality can be proven questions of evidence: disturbance, causation, attribution



thank you for you attention!

More information can be found at: germanwatch.org/en/huaraz

