

PRESS BRIEFING: Rights & Responsibility: Cases for Climate Litigation

BONN -- A rising tide of new and innovative legal initiatives and court cases around the world is helping to hold big emitters and polluters accountable for climate change impacts and lack of ambitious climate action. Leading lawyers and experts from civil society will present some of the most promising and groundbreaking cases and initiatives and share brand new updates. Jointly organized by Heinrich Böll Foundation, Center for International Environmental Law, Germanwatch, Greenpeace, and Our Children's Trust.

WHEN: 17 November 2017, 11:30-12:00 h CET

WHERE: Press Conference Room 2, BULA Zone

SPEAKERS:

- Lili Fuhr, Head of Department Ecology and Sustainable Development, Heinrich Böll Foundation, and founding board member of the Climate Justice Fund
 - "Introduction - Climate Justice and the international momentum towards climate litigation"
- Carroll Muffett, President and CEO of the Center for International Environmental Law (CIEL)
 - "Smoke and Fumes – the legal and evidentiary basis for holding Big Oil accountable for the climate crisis"
- Christoph Bals, Political Director of Germanwatch
 - "Saúl Luciano Lliuya vs. RWE"
- Yeb Sano, Executive Director of Greenpeace Southeast Asia
 - "A Human Rights Investigation of the Carbon Majors in the Philippines"
- Kiran Oommen, youth plaintiff
 - "Juliana v. United States climate lawsuit"

BACKGROUND on the cases presented:

Smoke and Fumes

On November 16th, the Center for International Environmental Law (CIEL) will launch a major new synthesis report: **Smoke and Fumes: The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis**. Drawing from the extensive and ongoing recent investigations into the oil industry's history of climate research and climate denial, including the hundreds of documents compiled in CIEL's own research, Smoke and Fumes presents the first comprehensive summary of what the oil industry knew about climate change, when they knew it, and how they misled investors and the public about climate science. Significantly, Smoke and Fumes analyzes the available evidence in the context of core principles of legal responsibility that underlie tort and human rights regimes around the world, and maps that evidence to the rapidly developing science of climate attribution, to provide a foundation - and a roadmap - for future investigations into corporate climate accountability.

Saúl Luciano Lliuya vs. RWE

The Peruvian farmer and mountain guide **Saúl Luciano Lliuya is filing a lawsuit against the German utility RWE** at the Regional Court in Essen, Germany. The reason: The energy company's immense emissions threaten his family, his property as well as a large part of his home city of Huaraz. He demands that the company pay its fair share of adaptation costs. The District Court Essen first dismissed the civil lawsuit against RWE. But Saúl Luciano Lliuya filed an appeal before the Higher Regional Court Hamm against the negative ruling of the Regional Court. At the oral hearing on 13 November 2017, the higher regional court gave a clear statement that large emitters like RWE are liable for supporting people in poorer countries affected by climate change, paving the way for the

case to proceed. For the first time, a court has said that a contributor to climate change must claim responsibility for the hazards associated with global warming. Germanwatch is supporting Saúl Luciano Lliuya's struggle for climate justice.

A Human Rights investigation of the Carbon Majors in the Philippines

During COP21 in December 2015, **the Commission on Human Rights of the Philippines (CHR) launched a first-ever investigation into the responsibility of carbon producers for human rights impacts resulting from climate change.** The investigation was triggered by a petition filed by Philippine disaster survivors, communities, and 14 local NGOs, including Greenpeace Southeast Asia-Philippines. Recently, the CHR called on 47 carbon producer corporations to attend a preliminary conference on 11 December 2017.

Juliana v. United States climate lawsuit

In 2015, the **lawsuit Juliana v. United States** was brought by 21 young plaintiffs who argue that their constitutional and public trust rights are being violated by the government's creation of climate danger. The case is one of many related legal actions brought by youth in several states and countries, all supported by Our Children's Trust. Our Children's Trust is a nonprofit organization, elevating the voice of youth, those with most to lose, to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. It leads a coordinated global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to 350 ppm by the year 2100.

[Click here](#) to watch a live stream of the press conference (archived 12-24 hours later).

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