

Peruvian farmer presses climate claim on German polluter

30 November 2017, by Daphne Rousseau With Tom Barfield In Frankfurt



Lliuya argues that RWE must share in the cost of protecting his hometown from a swollen glacier lake at risk of overflowing

A German court will decide Thursday whether to hear a Peruvian farmer's case against energy giant RWE over climate change damage in the Andes.

Saul Luciano Lliuya argues that RWE, as one of the world's top emitters of climate-altering carbon dioxide, must share in the cost of protecting his hometown Huaraz from a swollen glacier lake at risk of overflowing from melting snow and ice.

After an initial hearing in mid-November, the court in northwestern city Hamm gave both sides until November 30 to provide further arguments before deciding on the next steps, adding that it was "likely" the case would proceed to hearing evidence.

Lliuya's supporters at NGO Germanwatch hailed the decision as a win, saying the court had written "legal history" in the quest for "global climate justice", which calls for the richer north to compensate the southern hemisphere for decades of pollution.

"It's good news for the many potential plaintiffs

worldwide who will be emboldened to take action themselves," spokesman Klaus Milke told AFP at the time.

German media have likened Lliuya's fight against RWE to a "David versus Goliath" battle.

The Peruvian's case comes at a time when German politics is sharply divided over how to balance climate action against economic growth.

A government-directed "energy transition" to renewables, rather than nuclear power and fossil fuels, is making only halting progress, while environmentalists are pushing the country's powerful auto industry to produce less polluting vehicles after a series of scandals.

Climate and energy policy was among the most bitterly disputed issues in three-way coalition talks between Chancellor Angela Merkel's conservatives, the pro-business Free Democrats and the ecologist Greens before they fell through this month.



Peruvian farmer Saul Luciano Lliuya claims energy giant RWE must share the cost of protecting his hometown from a swollen glacier

'Winnable case'

shares.

After the decision, RWE reiterated its view that the complaint was "not acceptable" and was even "unjustified", arguing that a single company cannot be held liable for specific consequences of climate change. © 2017 AFP

A lower court in the German city of Essen, where RWE is based, initially found that the lawsuit against the energy giant was unfounded.

The company has in the past said it did not understand why it has been singled out for legal action, stressing the efforts it had made to become more environmentally friendly.

As well as modernising its coal-fired power plants to reduce CO2 emissions, RWE has invested billions in renewable energy as part of Germany's move away from fossil fuels, it says.

But Lliuya's lawyer Roda Verheyen said she believes her client has a winnable case.

"I would like to return home to the mountains and tell the people that I was able to do something for them," Lliuya, who is also a mountain guide, told reporters ahead of the previous hearing.

The father of two wants RWE to pay 17,000 euros (\$20,000) to help pay for flood defences for his community in Peru's northern Ancash region.

Lliuya also wants the German company to reimburse him for the 6,384 euros he himself has spent on protective measures.

The 37-year-old bases his claims on a 2013 climate study which found that RWE was responsible for 0.5 percent of global emissions "since the beginning of industrialisation".

He says this makes the firm at least partly responsible for his plight.

Shares in RWE were untroubled by the looming court date Thursday, trading up 0.5 percent at 19.74 euros in Frankfurt around 0945 GMT—roughly in line with the DAX index of German blue-chip

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