EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

ECCHR

Climate lawsuit against Holcim

Questions and answers: Legal background and latest developments

(1) Why is ECCHR supporting the climate lawsuit against Holcim?

Those most severely affected by climate change are often to be found in the Global South – not only because of certain geographical conditions but also because (neo-)colonial exploitation and an economic system based on unlimited growth have led (and continue to lead) to the destruction of climate-resilient ecosystems, as well as to a lack of resources to effectively protect against or escape floods, drought, or heat waves. The Intergovernmental Panel on Climate Change's (IPCC) Assessment Reports point out that factors such as gender, ethnicity, disability, age, poverty, as well as injustice and marginalization based on long-standing exploitative patterns increase vulnerability to climate impacts.

As a human rights organization we support the legal interventions of individuals and communities from the Global South – along with their lawyers and local organizations – whose rights are abused by corporations, including within the context of climate emergency. The case of the Pari islanders is a prime example of how a vulnerable community in the Global South is disproportionately affected by the lack of accountability of private economic actors like Holcim for their contribution to the climate emergency.

It is only the second case in Europe where people from the Global South are suing a European company for its contribution to climate crisis as well as the first case that calls comprehensively for emission reductions, compensation, and contribution to adaptation measures. In addition to bringing the actual needs of those most affected by the climate emergency to the forefront, the case also makes explicit how climate change – which is significantly generated by the activities of Carbon Majors – impacts the human rights of those affected communities.

(2) What are Carbon Majors, and why is it important to hold them accountable and not just countries?

The term "Carbon Majors" refers to companies that have contributed significantly to climate change. The term was coined by studies conducted by the Climate Accountability Institute, which found, among other things, that just over 100 companies are responsible for nearly 70% of global historical industrial greenhouse gas emissions. Holcim is also one of these Carbon Majors. Due to their enormous contribution to climate change, Carbon Majors thus also bear an enormous responsibility for curbing global warming in the future – and for minimizing the increasingly severe consequences they cause for people and the environment. Since this responsibility is rarely acknowledged voluntarily, legal enforcement is unfortunately also necessary.

(3) Keyword extractivism: To what extent do Carbon Majors outsource the costs of their business activities?

Carbon majors must reduce their emissions immediately. However, they also bear responsibility for climate damage that has already occurred – as well as for the costs incurred for necessary measures to adapt to climate change. For decades, large private emitters in particularly climate-damaging sectors, such as fossil fuel energy production and cement production, have refused to acknowledge the consequences of their activities – even though sufficient scientific evidence of rising CO^2 concentrations in the atmosphere and the associated global warming has been available since 1958. Instead of endeavoring to redesign their own business model in such a way as to prevent tremendous (material and immaterial) costs for people worldwide, short-term profits were reaped. As a result, we are now facing a situation in which climate change is already causing trillions (!) in damage and adaptation costs.

(4) What contribution can the courts make to combating climate change?

In numerous court cases before national and international courts, states are being called upon to reduce their national greenhouse gas emissions. Currently, there is also an increasing number of lawsuits before national courts against Carbon Majors demanding emission reductions, compensation for losses and damages, or adaptation measures as a consequence of the business activities of these companies that are accelerating climate change.

If legislators or governments remain inactive with regard to measures and actions against climate change, the judiciary remains an avenue for people to demand that public institutions comply with their climate obligations – as this is necessary to protect human rights. Individuals or civil society organizations can take legal action to demand that states implement prevention, mitigation, and adaptation measures. However, courts can also determine and sanction violations of the law by Carbon Majors. This gives those who suffer direct losses and damages due to the climate crisis the opportunity to seek redress.

(5) What are climate change-related losses and damages, and what role do lawsuits play in this area?

The term "loss and damages" (L&D) originates from international climate negotiations within the framework of the UNFCCC and refers to the negative effects of climate change that cannot be prevented by emission reductions through adaptation measures. A central focus of international negotiations is the establishment of an L&D fund to finance such irreversible impacts. However, this fund has been heavily criticized, particularly by voices in government and civil society from the Global South, primarily because contributions to the fund have thus far been voluntary and are far from sufficient to cover the costs incurred from climate damage. The main contributors to climate change have not yet taken genuine responsibility. Furthermore, only states are expected to pay into the fund, while it remains unclear how the money will actually reach those affected. Against this background, climate lawsuits such as those brought by the residents of Pari make it clear that large commercial enterprises, as important contributors to climate change, also bear responsibility for mitigating climate change and its consequences, especially towards those directly affected.

(6) The International Court of Justice (ICJ) recently confirmed in an advisory opinion that states are obliged to comply with the 1.5-degree limit. Why is this significant?

The advisory opinion of the ICJ is of great significance in several respects. The court has ruled that all states are obliged to comply with the 1.5-degree limit – both on the basis of the Paris Climate Agreement and other international treaties that specifically address climate change, but above all on the basis of international human rights. With its advisory opinion, the world's highest court confirms what regional human rights courts such as the European Court of Human Rights, the Inter-American Court of Human Rights, and numerous national courts have already established: climate protection is a human right. The court also emphasizes that in order to fulfill their climate obligations, states must also regulate emissions by companies.

Furthermore, states are obliged to provide redress, possibly in the form of compensation, if they fail to meet their climate obligations. In doing so, the court also affirmed that individual actors (in this case states) can be held responsible for their specific emissions – even if many others are contributing to climate change at the same time. These principles are also applicable to proceedings against Carbon Majors.

Finally, the advisory opinion is significant in that the International Court of Justice confirms that climate change is not happening in a legal vacuum: applicable law must also be upheld in the context of climate change, and violations of this law are subject to judicial review. The ICJ's advisory opinion thus joins a large number of decisions by national and international courts and once again refutes the argument of defendants such as Holcim that climate change is solely a policy matter.

(7) Why Holcim of all companies?

Holcim is one of the market leaders in the building materials sector; at the time the lawsuit was filed, the company was even considered the world's largest cement manufacturer. Cement production is extremely CO^2-intensive, and the sector is one of the biggest contributors to climate change. A study commissioned by our partner HEKS determined that Holcim alone is responsible for 0.42% of global industrial greenhouse gas emissions since 1950 – that is twice as much as the whole of Switzerland.

Reports from the company indicate that Holcim intends to continue emitting more than is permissible under the “net zero by 2050” target established by the IPCC to respect the 1.5°C limit. The lawsuit is therefore against one of the world's largest private CO^2 emitters. The fact that Holcim does not have a plant in Indonesia is irrelevant. This is because it is in the nature of greenhouse gas emissions that it does not matter where they are emitted – whether in Indonesia or Switzerland, they contribute equally to climate change everywhere.

(8) Do Carbon Majors have to pay damages? What other options do they have to make reparations?

The Carbon Majors play a crucial role in the global climate crisis and its negative consequences. According to the polluter pays principle, the person who causes pollution must pay for the resulting costs. In the context of the climate crisis, this would result in reparation measures for those affected by the impacts of climate change, including rising sea levels. The principle that the perpetrator of a harmful act bears responsibility for the resulting harm, can also be found in numerous civil law traditions. In a groundbreaking climate ruling against RWE on 28 May 2025, for example, the Higher Regional Court of Hamm in Germany found that major emitters can be held liable for climate risks.

Against this backdrop, compensation in the form of damages is important to repair harm that has already occured. However, damages may prove to be insufficient in cases where extreme weather events or the ongoing consequences of climate change cause irreversible damage of a material or immaterial nature. Furthermore, they do not offer medium- or long-term sustainable solutions to the ongoing crisis – nor do they provide protection against future violations of rights that may result from it.

Therefore, mitigation in the form of emission reductions and adaptation measures are equally central in the call for climate reparations, as they aim to improve the living conditions of those affected in the medium and long term (e.g. the flood protection measures and the rapid reduction of emissions, as requested in the case against Holcim).

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