

call for climate justice



Groundbreaking climate case against
Swiss cement company Holcim

An island demands justice

Dossier for the press conference on 12 July 2022

A campaign by



In collaboration with

ECCHR EUROPEAN CENTER
FOR CONSTITUTIONAL
AND HUMAN RIGHTS





INVITATION to press conference: REMINDER

Europe's economic responsibility for the climate crisis: The case of Pari Island, Indonesia

WHEN: **Tuesday, 12 July 2022, 10:30 am**

WHERE: Hotel Bern, Zeughausgasse 9, Bern. Or **digitally via Zoom**

WHO: **Two of those affected by the climate crisis;** Pari Island, Indonesia
Yuyun Harmono, Climate Justice Expert, WALHI
Bernard DuPasquier, Vice Director, HEKS
Miriam Saage-Maaß, Legal Director, ECCHR
Yvan Maillard Ardent, Climate Expert, HEKS
Nina Burri, Specialist in Business and Human Rights, HEKS

Participate via Zoom with the following link:

<https://on.heks.ch/medienkonferenz>

Meeting-ID: 842 2405 5090; Code: 013825

Please register beforehand at:

<https://www.heks.ch/medienanmeldung-klimagerechtigkeit>

«Carbon Majors» from the Global North bear a significant share of the responsibility for the climate crisis: 108 companies have caused 70 percent of all historical industrial emissions worldwide. Without regard for people and the environment, they continue to fuel the climate catastrophe.

On the Indonesian island of Pari, the impacts of this are clearly visible. As profits are raked in Europe, rising sea levels are destroying the livelihoods and future existence of the islanders wave after wave. By 2050, most of Pari could disappear into the sea. Swiss Church Aid HEKS/EPER, the European Center for Constitutional and Human Rights (ECCHR) and the Indonesian environmental organization WALHI are now supporting those affected in taking action against irresponsible business practices.

The facts are clear and proven. Corporations must reduce their CO₂ emissions and be held accountable for damage to communities and nature. Learn more from affected people and experts about the responsibility of European corporations for the climate crisis and how those affected are fighting back.



Media release, 12 July 2022

Groundbreaking climate case against Swiss cement company Holcim

An island demands justice

Climate change is causing sea levels to rise, destroying the livelihoods of the people on the Indonesian island Pari. The Swiss cement company Holcim bears a significant amount of responsibility for this because of its tremendously high CO₂ emissions. Four residents are now demanding justice on behalf of the island and have taken legal action against Holcim in Switzerland. With the support of Swiss Church Aid HEKS/EPER, the European Center for Constitutional and Human Rights (ECCHR) and the Indonesian environmental organization WALHI, they are demanding that Holcim immediately and significantly reduce its CO₂ emissions, pay compensation for damages already incurred and co-finance urgently needed flood protection measures. This is the first time that a Swiss company will be held legally accountable for its role in climate change.

The climate crisis is causing damage all over the world, resulting in human rights violations and the destruction of livelihoods – especially in the Global South where people have scarcely contributed to the crisis, like those on the Indonesian island Pari. Rising sea levels have led to increased flooding and extensive damage to houses, streets and businesses on the island. Without rapid reductions in global CO₂ emissions, large portions of the island will likely be submerged under water in 30 years.

The people on Pari must now pay for the measures to protect the island themselves – even though they have hardly contributed to climate change. “This is unjust,” said the fisherman Edi Mulyono, one of the four plaintiffs, at a press conference in Bern on Tuesday. Furthermore, island residents are already suffering concrete losses. “Because of the flooding, fewer guests are coming, our income is dropping,” stated Asmania, who owns a guesthouse on Pari.

“Call for Climate Justice”

With their application for conciliation submitted on Monday in Zug (Switzerland), the four plaintiffs seek to hold Holcim accountable. They are therefore demanding proportional compensation for damages already caused by climate change, as well as the co-financing of necessary flood protection measures. Above all, however, they are demanding a rapid reduction in the company’s excessive CO₂ emissions – so that less damage will occur in the future. The three organizations are supporting these demands with the [“Call for Climate Justice”](#) campaign.

Holcim is globally the leading manufacturer of cement, the basic material for concrete, and one of the 50 biggest CO₂ emitters out of all companies worldwide. The production of cement releases enormous quantities of CO₂. A new [study](#) shows that the Swiss company emitted more than seven billion tons of CO₂ from 1950 to 2021. That amounts to 0.42 percent of all global industrial CO₂ emissions since the year 1750 – or more than twice as much generated by the entire country of Switzerland during the same period. “Holcim thus bears a significant share of the responsibility for the climate crisis,” said Yvan Maillard Ardeni, climate expert at HEKS, “as well as for the situation on the island Pari.”

“Groundbreaking” case

The submission of the application for conciliation by the affected parties from Indonesia marks the first formal civil proceedings in Switzerland against a company for its contribution to climate change. In the application, the affected parties are invoking their human rights and are claiming that their personal rights have been violated. “If a company has caused damage, it should be held responsible for it,” claimed Nina Burri, expert on business and human rights at HEKS. But, ultimately this is about “global justice.”

The case against Holcim is part of a worldwide movement. “In many places in Europe, people are taking legal action against states and companies in order to compel them to protect the climate,” explained Miriam Saage-Maaß, Legal Director at ECCHR. The case against Holcim is however only the second worldwide to be initiated by affected parties from the Global South. Moreover, it calls for Holcim not only to assume historical responsibility, but also future responsibility with the demand for it to rapidly reduce emissions. “The case combines two different approaches,” says Saage-Maaß, “and is therefore groundbreaking.”

call for climate justice

Swiss Church Aid [HEKS/EPER](#), the European Center for Constitutional and Human Rights ([ECCHR](#)) and the Indonesian environmental organization [WALHI](#) are supporting the legal proceedings initiated by the people on the island of Pari with the campaign “[Call for Climate Justice](#)” and a corresponding [appeal](#) to the cement company Holcim.

Contact:

Lorenz Kummer, HEKS; lorenz.kummer@heks.ch ; +41 (0)79 461 88 70

Maria Bause, ECCHR; presse@ecchr.eu ; +49 (0)30 6981 9797

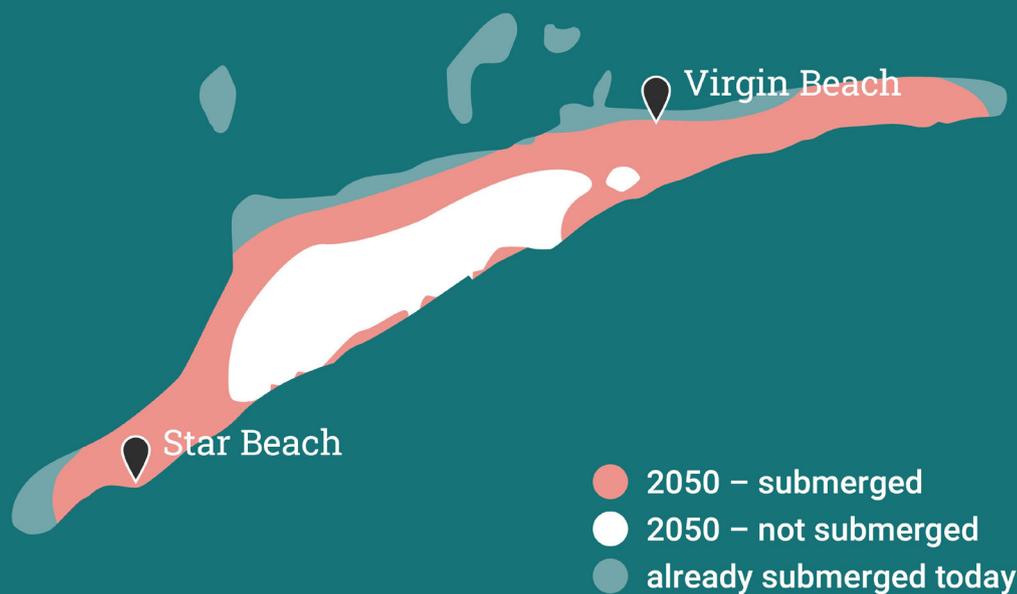
More information and materials can be found at

- callforclimatejustice.org
→ Web report, video, appeal, background information, profiles of plaintiffs
- [Media kit](#)
- [Photos and video clips](#)

Pari



Flooding predicted in Pari by 2050





Asmania*

Fisherwoman and guesthouse owner, Pari Island, Indonesia

Name: Asmania

Birthdate: 10 April 1983

Family: Married to Tono, three children: Ahmad (2006), Liti (2008), Mohammad (2014)

Occupation: Guesthouse owner, fisherwoman

Asmania settled on the island Pari at the age of 22. Since her arrival, she has worked as a fisherwoman. In 2013, the residents of Pari decided to open the island to tourism. Asmania established a small business and later a guesthouse. Today, she owns four rooms that she rents out to tourists. She also prepares meals for her guests. In addition, she also rents out snorkeling equipment.

Asmania and her husband invested in a fish farm off the coast of the island. When everything is running smoothly, they sell their fully-grown fish every nine months. Asmania's husband also regularly goes out to sea to fish. His catch feeds the family and their guests. Asmania has worries about the future and especially about the situation for women on the island, as they are doubly affected by the effects of climate change. They are responsible for taking care of their families, while incomes continue to decline.

Damage and adaptation measures

Both of the floods that occurred at the end of 2021 – and others which came before them – negatively impacted the couple's income. The floods carried a lot of oil and debris with them and damaged the fish farm. In 2021, 300 out of 500 fish perished, and for two months, virtually no tourists came to the island. Asmania could not rent rooms or sell meals.

Asmania and her husband want to put their house on a higher foundation in order to protect their family from the floods. They urgently need a filtration system for when the well water is contaminated by sea water. To protect the whole island, more mangroves need to be planted and breakwaters and dams need to be built.

* In Indonesia, many people only have a first name or a nickname, but no last name.



Edi Mulyono

Fisherman and guesthouse owner, Pari Island, Indonesia

Name: Edi Mulyono

Birthdate: 22 August 1985

Family: Married to Mardianah, three children: Dinda (2008), Hafiz (2014), Dandi (2019)

Occupation: Fisherman and guesthouse owner

Edi was born and raised on Pari Island. He owns two small guesthouses with his wife. They offer package deals to tourists. The standard package includes accommodation in the guesthouse, meals, bicycle rentals, a boat trip to the reef and the complete kit for snorkeling. These offers are very popular, and usually, they have guests almost every weekend. Edi also takes his boat out fishing. He offers his catch to his neighbors and other villagers and negotiates with them on the price of his products.

Damage and adaptation measures

After the big floods at the end of 2021, many customers canceled their bookings for guest rooms and excursions, including two large groups in particular, which led to significant revenue loss. Edi and the islanders volunteer to plant mangroves as a natural protection against flooding. However, they still need over a million additional seedlings, as many young shoots do not survive the recurring floods.

Holcim bears responsibility

Yvan Maillard – Climate Expert, HEKS

Companies in the coal, oil, gas and cement industries are the source of a particularly large amount of CO₂ emissions. They are therefore referred to as “carbon majors.” According to a study by the Climate Accountability Institute, 70 percent of all historical industrial CO₂ emissions can be traced back to the operations of 108 companies. These companies therefore bear significant responsibility for global warming – and its consequences. The Swiss company Holcim Ltd. also appears on this list of “carbon majors.” The corporation is headquartered in Zug and is the largest manufacturer of building materials in the world. In 2021, the company produced 200 million tons of cement.

Cement is an essential component of concrete, and since 1995, its worldwide production has tripled. Roughly four billion tons were produced in 2020. That amounts to approximately 130 tons per second. This concrete boom has catastrophic implications for the climate, as the production of cement releases enormous quantities of carbon dioxide. Today, the cement industry is responsible for roughly eight percent of global annual CO₂ emissions, almost three times as much as the airline industry.

This inevitably raises the question of the extent to which Holcim, as the industry leader, is responsible. A study commissioned by HEKS shows that the Swiss corporation produced 7.26 billion tons of cement from 1950 to 2021 and caused 7.15 billion tons of CO₂ emissions (scope 1, 2 and 3). This amounts to 0.42 percent of all global industrial CO₂ emissions since the year 1750 – or more than twice as much what the entire country of Switzerland emitted during the same period.

It is thus highly likely that Holcim’s activities have contributed significantly to the climate crisis. In addition to this, the high CO₂ emissions of cement production and their impacts on the climate have been known since at least the 1970’s. In spite of this, the corporation has more than doubled its emissions during this time.

Even in its 2021 “Net-Zero Plan”, Holcim only sets it itself modest reduction targets: emissions per ton of cement are to be decreased by 21 percent by 2030. The problem is, however, that if Holcim continues to produce more and more cement, its total emissions will continue to increase. In 2021, they already rose by seven percent. Meanwhile, the Intergovernmental Panel on Climate Change has shown that by 2030, all emissions must be reduced by 43 percent with respect to their 2019 levels. This, it claims, is the only way to reach the goal established in the Paris climate agreement of limiting global warming to 1.5 degrees.

Holcim’s plan to reduce its emissions is therefore nowhere near what is necessary to achieve this goal. The Swiss corporation bears not only historical responsibility for the current state of the climate, but is also co-responsible for further future warming of the earth – and thus also for the damage that climate change is causing now and will continue to cause in the coming years and decades. On the island of Pari, among other places.

The first climate case against a Swiss corporation

Nina Burri – Specialist in Business and Human Rights, HEKS

The submission of the arbitration request by affected parties from Indonesia heralds the first proceedings in Switzerland against a corporation for its contribution to climate change. Unlike the case of the senior climate change activists, in the present case the affected parties are not directing their action against a state, but against a global corporation based in Switzerland.

It is an ordinary civil case, beginning with a request for arbitration, in which the claimants assert, among other things, a claim for damages and are directing their demands at a party that is co-responsible for this damage.

The four affected parties are demanding three things from Holcim:

- Compensation for damages already incurred
- A reduction in greenhouse gases in order to prevent future damage
- A contribution to protection measures on Pari so that future damage is prevented or is less severe

In their argumentation, those affected invoke their human rights, among other things, and appeal to existing Swiss law. In particular, they are claiming that the increased flooding of their habitat triggered by climate change violates their personal rights, as well as threatens additional future – possibly much more severe – violations.

The climate crisis is an acute threat to human rights. It is not acceptable that people who have contributed virtually nothing to the crisis should have to pay the costs. This is about global justice. It is about responsibility. Those affected are now demanding this through legal channels.

We advocate for a private sector that respects the limits and capacities of the planet. This includes insisting that companies do their part to address the climate crisis, even more so when their contributions to it are beyond average.

If a company has caused damage, it must answer for it. We therefore support the demands of those affected and have formulated an appeal to Holcim to these ends. We hope that as many people as possible will sign it and that Holcim will uphold its major promises regarding the climate and respond to the demands of the affected parties at the arbitration hearing.

Groundbreaking case as part of an international movement

Miriam Saage-Maaß – Legal Director, ECCHR

The arbitration request and the resulting proceedings against Holcim in Switzerland are part of a worldwide movement. All over Europe, people are increasingly taking legal action against states and companies to force them to take urgently needed climate action. This demonstrates that companies can no longer hide. More and more affected people are taking action and no longer accept the reality that companies are doing business at their expense, ruining the climate and violating human rights.

Not only are there numerous lawsuits pending against states regarding their human rights obligations to protect the climate, for example before the European Court of Human Rights in Strasbourg. Increasingly, people are also suing the European companies that bear a substantial responsibility for climate change – so-called carbon majors – because for decades, if not centuries, they have emitted massive quantities of CO₂. Similar lawsuits are also underway in Germany, Italy, Poland, the Netherlands, France and New Zealand.

However, apart from the lawsuit filed by a Peruvian farmer against the German energy corporation RWE, the proceedings against Holcim mark the first lawsuit initiated by affected parties from the Global South.

It should also be emphasized that the proceedings are transnational. People from Indonesia are asserting their rights, as they have been and will be more severely affected by the impacts of climate change than most people in Switzerland. Because the CO₂ emissions from Holcim are contributing to climate change worldwide, it is appropriate and legitimate that those affected from Indonesia assert their rights within Swiss courts.

This case is an important step toward the enforcement of compensation obligations for companies concerning climate damage. In addition, the lawsuit is also claiming that companies have a duty to provide effective remedial and protective measures as well as to effectively reduce future CO₂ emissions. The plaintiffs are thus demanding that Holcim take historical as well as future responsibility. In this manner, the lawsuit combines two different approaches – and is therefore groundbreaking.

Contact

Lorenz Kummer, HEKS

lorenz.kummer@heks.ch, +41 79 489 38 24

Maria Bause, ECCHR

presse@ecchr.eu, +49 (0)30 6981 9797

ore information and materials can be found at

- callforclimatejustice.org/en
Web report, video, appeal, background information, profiles of plaintiffs
- [Photos and video clips](#)



[HEKS](#) supports cooperative development projects in over 30 countries on four continents to combat poverty and injustice and to advocate for a life in dignity for all people. At the same time, HEKS works towards systemic change through its development policy work – in Switzerland and worldwide.



[ECCHR](#) is a non-profit and independent human rights organization based in Berlin. It was founded in 2007 to enforce the rights guaranteed in the Universal Declaration of Human Rights, as well as in other human rights declarations and national constitutions, through legal means. Together with affected people and partners worldwide, we use legal means to ensure that those responsible for torture, war crimes, sexualized violence, economic exploitation and sealed borders do not go unpunished.



The “Indonesian Forum for a Living Environment” ([Wahana Lingkungan Hidup Indonesia, WALHI](#)) is the largest and oldest environmental NGO in Indonesia and part of the Friends of the Earth International (FoEI) network. Founded in 1980, WALHI is comprised of nearly 500 organizations with independent offices and grassroots groups in 27 of the country's 31 provinces. WALHI addresses a wide range of issues, including conflicts over access to natural resources, farmer and indigenous rights, as well as coastal, marine and forest conservation. In addition, WALHI works on several overlapping issues such as climate change, equality and disaster mitigation.