

The German Climate Case: Meet the plaintiffs who are taking legal action to enforce climate protection

Three families, together with Greenpeace Germany, are filing a complaint against the German federal government with the Berlin administrative court concerning climate protection arguing encroachment of their fundamental rights as provided in the German Constitution (Articles 2, 12 and 14 of the German Grundgesetz).

The need for action

The heatwaves of the summer of 2018 produced record-setting temperatures, drying up fields, suffocating fish and burning forests. These impacts are what climate scientists have long predicted. There is clear evidence that climate change is already having an impact now. Eight of the ten hottest years ever recorded have been this century. People living in nations on the front-line of the climate crisis will disproportionately feel the impacts of global warming. Climate change is now also affecting people in Germany.

There is still time for us to protect our planet's future and to decide whether this is only a taste of the impacts of global warming, which can only get worse, or whether we will limit the worst effects of climate change. If we seek to limit the risks, Germany must reduce its greenhouse gas emissions fast and demonstrate political will. Since 2007, the German government has repeatedly promised to reduce the country's greenhouse gas emissions by at least 40 percent, compared to 1990 levels, by 2020. But in reality, German CO₂ emissions have not fallen since 2009.

The slow pace of climate action stands in sharp contrast to the rapid acceleration of the climate crisis. The urgency of action is beyond question, as was made clear in the IPCC Special Report on Global Warming of 1.5°C, published in early October 2018. Uncontrollable, catastrophic climate change can only be prevented if governments act decisively in the interests of climate protection and human rights. It is in this context that three affected families and Greenpeace Germany have filed a complaint against the German federal government at the Berlin Administrative Court demanding climate protection.

The plaintiff families each run organic farms in the so called "Altes Land" near Hamburg, on the island of Pellworm, and in Brandenburg. They have already been affected by the impacts of global warming as their crops have been damaged by pests and extreme weather events.

By failing to act in accordance with its own national targets, and those of the European Union, (as shown by Germany's climate protection report 2017), the federal government is violating the fundamental rights of those affected (pursuant to Articles 2, 12 and 14 of the German Grundgesetz). It is also violating European environmental law. As an environmental organisation, Greenpeace Germany is asserting its rights in taking legal action over this violation.

Below is some more information about the climate plaintiffs.

Greenpeace Germany e.V.

"By failing to meet the 2020 climate target, the German government is violating its obligation to protect the people in our country from the impacts of global warming and is violating German and European environmental law. The solutions for climate protection are on the table. By shutting down or curbing lignite-fired power plants, Germany can easily achieve its climate target for 2020. It is not the technical solutions that are lacking, but the political will," says Anike Peters, climate expert at Greenpeace Germany.

About Greenpeace Germany

Greenpeace is comprised of 27 independent national/regional organisations in over 55 countries. We do not accept money from governments, corporations or political parties.

Greenpeace Germany was founded in 1980 and as early as 1990, it warned of the consequences of global warming with its book "Global Warming - Die Wärmekatastrophe und wie wir sie verhindern können" (*Global warming: the heat catastrophe and how we can prevent it*). Since then, Greenpeace Germany has been campaigning for effective climate protection measures. As the climate crisis has accelerated, climate protection has increasingly become the main focus of the organization. Greenpeace Germany is fully committed to the Paris Agreement's target and the imperative of limiting the average global temperature rise to 1.5 degrees Celsius above pre-industrial levels, in order to prevent the worst impacts of climate change.

Why Greenpeace Germany is a plaintiff in the climate litigation case

The climate crisis is already threatening people all over the world, yet governments are failing to act. Germany is part of this failure. The federal government's climate protection plan, published in June 2018, admitted that it would not implement any further measures to achieve its own 2020 climate target. In effect, the government abandoned action even though the target is still binding.

Since 2007, the German government has repeatedly and explicitly committed to reduce greenhouse gas emissions by at least 40 percent by 2020 compared to 1990 levels. Through recurring resolutions (including cabinet decisions) and their implementation, e.g. through legislation, the climate target has become binding. Despite this, CO₂ emissions have not declined since 2009. After the 2020 climate target had already been abandoned in the coalition agreement, the climate protection report 2017 published in June of this year made it clear that the government is no longer pursuing to achieve the target.

Greenpeace Germany is now suing the government to force it to comply with its own 2020 climate target, together with three families affected by global warming. The lawsuit maintains that, by no longer taking any further measures to comply with the climate protection target for 2020, the federal government is violating current German and European environmental laws.

The German target is also linked to a legally binding European target. The burden-sharing decision (406/2009/EC) of the European Parliament and the Council of 2009 obliges Germany to reduce its emissions in the so-called non-ETS sectors (industry, transport, agriculture and buildings) by 14 percent by 2020 compared with 2005 levels. In 2017, the actual reduction in these sectors was just 3 percent.

It is feasible to achieve the climate target of 2020 without any technical problems while ensuring a secure energy supply, as has been demonstrated by a study commissioned by Greenpeace Germany and carried out by the [Fraunhofer Institute](#).

Family Backsen

farmers on the North Sea island of Pellworm

"The Hallige and islands in the North Sea are affected first. The rising sea level worries me greatly, because at some point it will no longer be possible to elevate the dikes," says Silke Backsen.

The farm

The farm "Edenswarf" on the North Sea island of Pellworm has been family-owned since around 1703. Silke Backsen and her husband Joerg have runned it as an organic farm for 25 years. They own about 90 hectares and lease another 90 hectares. The main business of the farm is cattle and grain, with about 120 hectares of arable farming. The 200 cattle spend half the year on pasture and are in cattle sheds over the winter. The Backsen family also keeps sheep on the island's dikes and runs five holiday apartments.

Klimafolgen

In Schleswig-Holstein, the federal state in which Pellworm is situated, the impacts of global warming are noticeable. The average temperature is 1.3°C higher than at the beginning of the 20th century according to Government data.

The Backsen family has been noticing more extreme weather for years, including heavy rainfall and storm surges – also in accordance with Government data. The dikes on the island have so far been able to protect them. But if sea levels continue to rise and the frequency and intensity of storm surges increase, the dikes may no longer be sufficient. Like much of the island, the farm lies up to one metre below sea level. Local sea level rise, which is already observed, has to be stopped by climate protection measures so that the dikes can continue to protect the island and the people living on it.

The family has suffered severe losses due to extreme weather conditions in the past two years. In September 2017, one third of the island of Pellworm was completely under water because of torrential rain, which can only drain slowly - a condition that worsens with the rise in sea level. The drought in the summer of 2018 caused further problems: the harvest was reduced and additional fodder had to be bought to feed the animals because of a lack of pasture for the cattle to graze on. The Backsen family anticipates losing about 30 percent of their yield in 2018. If climate change is not slowed, such summers will become the new norm with no option of artificial irrigation (the island receives fresh water from the main land).

Family Lütke-Schwienhorst

farmers in Brandenburg

"I've been observing extreme weather events for quite some time. But I can't remember such an extreme drought as the one in the hot summer of 2018," says organic farmer Heiner Lütke Schwienhorst from Brandenburg.

The farm

The Lütke Schwienhorst organic farm, Gut Ogrosen, lies in the district of Oberspreewald-Lausitz in the southernmost part of Brandenburg. It's also in the middle of a former lignite coal area. The history of the old Ogrosen manor dates back to the 18th century and the buildings are listed as historical monuments.

The estate is run as a dairy farm with its own cheese dairy. The family manages about 380 hectares of arable land and 20 hectares of pasture, 100 hectares of forest and an old landscape park. They keep about 120 dairy cows of an endangered breed called "Deutsches Schwarzbuntes Niederungsriind" (German Black Pied cattle). The fields and pastures are used for fodder and for growing grain. Some of the milk is processed directly in the in-house cheese dairy and sold in the farm shop along with other farm produce. There are also four holiday apartments at Gut Ogrosen

Impacts of climate change

The average temperature in Brandenburg has already risen by more than 1°C compared to pre-industrial times according to Government data. Climate change is noticeable in this region in the form of more frequent heatwaves and droughts, as well as heavy rainfall. This is recognized by the state of Brandenburg already and recognized as a problem for agriculture and crops.

The Lütke Schwienhorst family is already feeling the impact of climate change. In the summer of 2018, their hay and grain yields fell by about half. They had to buy fodder for their animals because there wasn't enough pasture for grazing. The health of the animals was

also affected by the heat. Temperatures above 25°C cause heat stress for cows. The forests on the estate also suffered from the drought. There was also a high risk of forest fires for weeks, which luckily did not affect their forest.

Family Blohm

Apple farmers in the Alte Land, Lower Saxony

"Whether hail storms, drought or new pests, the impacts of global warming threaten our livelihood. As the federal government is not acting to protect the climate, we demand our rights before the court", says Johannes Blohm.

The farm

The Blohm family's farm is in Guderhandviertel in the Altes Land of Lower Saxony, about 35 kilometres west of Hamburg. The Alte Land is the northernmost fruit-growing area in Germany and one of the largest in Europe.

The Blohm farm dates from 1560. It is a fruit farm, and its 21 hectares have been run as a certified organic farm since 1999. The main crop is apples, supplemented by pears, plums and damsons. It also grew cherries until a fatal pest infestation in 2016.

Impacts of climate change

The average temperature in the Alte Land has already increased by more than 1°C in the past 30 years and the Blohm family is directly noticing the impacts of the climate crisis.

In 2016, they had to cut down their cherry trees because they were infested by the cherry fruit fly - an insect that was originally found only in regions much further south. In the spring of 2017, the farm suffered extreme rainfall, which caused severe damage from waterlogging. The roots of entire rows of trees had simply drowned. The dry summer of 2018 brought further losses because of the extreme heat.

Sea level rise also has an impact. The Blohm family farm is located in the Lower Saxony Elbe marsh and is about 0.5 to 1 metre below sea level. The risk of flooding during storm surges will increase as sea levels rise. The area is protected by dikes, but these could soon no longer be sufficient. Moreover, with rising sea level, groundwater resources are viable to become infiltrated by salt water.

The Blohm family also experiences that their fruit trees are increasingly vulnerable to pests, with some new pests arriving clearly due to the higher temperatures. The danger to the trees and harvest increases with the alternation of waterlogging (due to heavy rain falls) and warm dry periods. They have already lost cherry trees to the cherry fruit fly; they are worried by other diseases like the apple codling moth.