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## The Island's Call for Justice: NGO Advocacy in the Climate Litigation Case of Pari Island in Indonesia

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**Abstract.** Climate injustice has become a prominent issue following the Paris Agreement, where emissions generated by developed countries burden local communities in developing countries. Consequently, one of the efforts to address climate injustice for communities in the Global South is through climate litigation processes. The process itself is a challenging one since the litigants need support legally and politically to ensure it has proceeded. Here, non-governmental organisation's (NGO) engagement is the most feasible support that local communities can access. This article analyzes the dynamics of climate justice attempts through a unique case study: climate litigation between residents of Pulau Pari, a small island located in the Java Sea, Indonesia, and the cement giant Holcim-LaFarge in Switzerland. This climate litigation is advocated by three collaborating NGOs: HEKS (Switzerland), ECCHR (Germany), and WALHI (Indonesia). Using a qualitative method, we analyze the role of NGO advocacy in the litigation process using the advocacy function concept by Joseph Szarka; issue framing, construction and dissemination of knowledge, responsibility attribution, political lobbying, public mobilization and agenda setting. We argue that the advocacy support of the three related NGOs amplified the climate litigation process beyond legal proceedings. The strategy of advocating climate litigation is an innovative way to create wider recognition from the international community and push adaptation to the struggle of the local community.

**Keywords.** advocacy, NGO, climate litigation, climate justice.

### 1. Background

The fight against climate change is a fight for justice since environmental degradation due to the exploitation of natural resources, pollution from industrial activities, and the impacts of unsustainable resource use are no longer localized issues. Consequently, the effects of rising temperatures, extreme weather events, and resource depletion fall disproportionately on marginalized communities, amplifying existing inequalities and creating profound injustices known as climate injustice. Climate injustice affects various considerations in governance between developed and developing countries, such as the distribution of rights, burdens, and responsibilities among different parties [1]. For example, greenhouse gas emissions generated through industrial processes in the Global North since the 1800s have accumulated, resulting in significant impacts on the rise in global surface temperatures and affecting life in the Global

South. This demonstrates the inequality in the distribution of benefits obtained by developed countries that have contributed to greenhouse gas emissions while developing countries bear the impacts.

Various efforts to mitigate climate change have been undertaken by both state and non-state actors. Efforts to protect the Earth from the climate crisis have been a topic of discussion at the United Nations Framework Convention on Climate Change (UNFCCC) in 1992 and at the Kyoto Protocol in 1997. Additionally, countries are currently participating in the Paris Agreement and are committed to reducing global emissions to prevent global warming through nationally determined contributions (NDCs). However, international agreements led by state actors have not comprehensively provided solutions to the imbalance in global climate justice [2]. Despite bearing the brunt of climate risks, rural communities are often excluded from climate policy discussions due to unequal access to information, perpetuating existing inequalities [3]. Until now, the issue of climate change continues to evolve and remains a concern almost thirty years later. In 2019, more than 11,000 scientists from one hundred and fifty-three countries warned of the worst-case scenarios and declared a climate emergency, emphasizing the need for transformative changes to be made [4].

One of the reasons for the failure of state efforts to mitigate climate change is the presence of other forces contributing to the increase in greenhouse gas emissions, namely multinational companies (MNCs) whose business processes are relevant to greenhouse gas production. In the effort to hold MNCs accountable for the climate crisis, States often find themselves in problematic positions. Especially for developing countries, which are generally most severely affected by the climate crisis. For example, in enforcing legal restrictions on MNCs, developing countries face pressure to promote development through private investment. Therefore, developing countries often risk regulatory power for short-term economic gains, as they tend to follow the will of MNCs and investors rather than prioritize environmental balance [5]. In this regard, achieving climate justice requires swift action and concrete steps for communities directly impacted.

Several causes of climate injustice include uneven exposure to the climate crisis and the unequal distribution of costs and benefits in efforts to address the impacts of climate change [6]. Meanwhile, one focus of climate justice relates to the principle of "polluter pays" or who should bear responsibility for climate mitigation and adaptation efforts [7]. This has led to the emergence of non-state actors, including individual or group communities capable of bridging or acting as primary advocates for the rights of communities affected by the climate crisis. One dominant non-state actor advocating climate change issues is non-governmental organizations (NGOs). NGOs' ability to network with other NGOs enables them to build global interactions as a modality for identifying global issues, namely by advocating for international policies [8].

In addition to focusing on environmental issues, climate justice specifically advocates for human rights that are violated due to the climate crisis. The role of NGOs is highly significant for affected communities because NGOs' capabilities, such as adequate knowledge and resources, enable them to provide the needed support. One such support mechanism is through climate litigation processes, which are considered mechanisms that can directly impact emitters and victims.

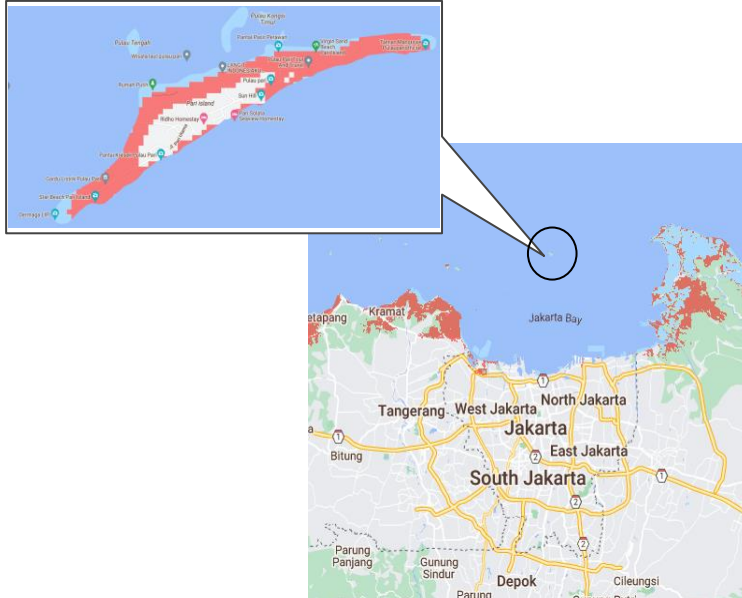
Climate litigation is a legal effort undertaken to hold specific entities accountable for their behavior or activities that contribute to climate change. While every climate issue is transnational in nature, transnational climate litigation is understood as cross-border legal actions to address climate change and demand accountability from governments or companies for their contributions to global warming [9]. The process of climate litigation is pursued as a

means to push powerful actors such as governments and corporations to be more ambitious in reducing greenhouse gas emissions and to hold them accountable through compensation for climate damage [10]. The trend of climate litigation targeting MNCs is growing. This is because efforts outside of legal channels such as demonstrations and campaigns lack binding force [11], thus weakening the pressure exerted on the targets.

According to the Oslo Principles on Global Climate Obligations in 2015, MNCs are the second actors responsible for the impacts of climate change. Based on data managed by Setzer & Higham in 2023 [12], there has been a 16% decrease in climate litigation against states during the period 2022-2023 compared to the previous period for claims outside the United States. Additionally, there has been an increase in strategic climate litigation targeting companies from various sectors. This trend indicates that climate litigation by NGOs is beginning to target MNCs besides States.

Indonesia, as an archipelagic nation in the Global South, is not immune to the impacts of the climate crisis. As seen on Pari Island, part of the Jakarta Special Capital Region, four island residents - Asmania, Edi, Bobby, and Arif - have filed a lawsuit against an international cement company based in Switzerland, Holcim-LaFarge, for the impacts of the climate crisis experienced by the island's residents. This case is known as *Asmania v Holcim*. Pari Island is one of the inhabited small islands whose communities heavily rely on tourism activities and marine cultivation for their livelihoods. However, due to climate change, the residents of Pari Island are experiencing significant impacts, including increased frequency of tidal floods due to rising sea levels damaging buildings and infrastructure, decreased tourist numbers due to flooding, reduced freshwater supply for the island's inhabitants, declining yields from cultivation and marine catches, and difficulty predicting weather conditions for fishermen, resulting in a decline in the island's economy [13]. These situations are not ideal for the islanders. For example, freshwater scarcity may lead to socio-economic and psychological stresses, especially for women [14] Based on research in 2022, 11% of Pari Island's area has already been submerged, and it is estimated to continue to submerge up to 60% by 2050 [15]. This lawsuit is a plea from the residents of Pari Island to reduce greenhouse gas emissions produced by Holcim, in line with the targets of the 2015 Paris Agreement to limit the increase in global warming to 2°C above pre-industrial levels, as well as a request for compensation related to the island residents' adaptation efforts.

**Image 1.** The projection of Pari Island's land being submerged in 2050 is marked in red



Source: [www.coastal.climatecentral.org](http://www.coastal.climatecentral.org) (2024) [16]

The community of Pari Island is not fighting alone against Holcim, one of the carbon majors in the cement industry. In their efforts, the residents of Pari Island are advocated for by three NGOs specializing in human rights and environmental issues: WALHI from Indonesia, HEKS from Switzerland, and ECCHR from Germany. These three NGOs support the efforts of Pari Island residents in suing Holcim to meet their demands as expected by building a campaign titled *Call for Climate Justice*.

Efforts in climate litigation are not easy, especially when facing MNCs that have significant capital and can do anything to evade lawsuits to ensure their business processes continue. This was stated by Milieudefensie, an NGO in the Netherlands that sued Shell in 2018 through climate litigation in The Hague. Despite a court ruling ordering Shell to meet Milieudefensie's demands to cut its carbon emissions overall, the case is still ongoing. As of the writing of this article, Shell is still appealing the decision. The judicial process consumes time, energy, and significant costs, but NGOs continue to use this avenue as a platform to raise awareness of the importance of MNCs taking action to reduce the impacts of the climate crisis and being responsible for vulnerable groups.

The article analyses how the three NGOs advocate for the residents of Pari Island through the climate litigation process in *Asmania v Holcim*. Climate litigation is a powerful advocacy tool for addressing climate change, focusing on reducing greenhouse gas emissions and holding companies accountable for their actions [9]. Climate litigation supported by *Hilfswerk der Evangelischen Kirchen Schweiz* (HEKS), *Wahana Lingkungan Hidup* (WALHI), and *European Center for Constitutional and Human Rights* (ECCHR) through the *Call for Climate Justice* campaign is an NGO advocacy effort to achieve climate justice. This article aims to answer a research question regarding climate litigation as a form of NGO advocacy: how do HEKS, WALHI, and ECCHR advocate for the residents of Pari Island through the climate litigation process? In analysing efforts to achieve climate justice through litigation,

literature using transnational actor approaches has not yet been found because this issue is more often discussed from a legal perspective than an International Relations perspective.

## **2. Research Methodology**

The method used in this research is qualitative, emphasizing the use of words in data collection and analysis [17]. The research analysis process is descriptive, involving a contextual understanding of the behaviour or social phenomena that occur. Through the descriptive analysis process, an explanation of the phenomenon related to the role of NGOs in advocating for justice through climate litigation can be provided.

Through the case study research method, the data sources used in this analysis are derived from official documents such as relevant articles in the climate litigation process of *Asmania v Holcim* obtained through open-source credible direct sources such as the official websites of HEKS, WALHI, and ECCHR, supporting documents from related organizations (e.g., official press releases), mass media coverage addressing this specific issue or case both domestically and internationally, as well as relevant previous research.

## **3. Conceptual Framework**

Climate litigation is one form of advocacy that can be used in the context of seeking justice by NGOs. Brown, Ebrahim, and Batliwala, as cited in Szarka, explain the existence of two advocacy strategies employed by NGOs: cooperative and adversarial [18]. The cooperative strategy emphasizes research and education to provide information to policymakers or persuade them toward certain policy alternatives. On the other hand, the adversarial strategy revolves around mobilizing public pressure, such as through naming and shaming, litigation, and legal pressure contests.

Referring to the case study of climate litigation *Asmania v Holcim*, climate litigation can be seen as a form of NGO advocacy that employs an adversarial strategy to achieve climate justice goals by using legal channels as a means to pressurize targets in achieving its objectives. To operationalize the analysis of the research questions, this article examines the phenomenon of climate litigation as a form of NGO advocacy using the conceptual framework developed by Joseph Szarka [18] regarding the functions of NGO advocacy. Szarka, in his article, delineates six key functions of advocacy (1) issue framing, (2) construction and dissemination of knowledge, (3) responsibility attribution, (4) political lobbying, (5) public mobilization, and (6) agenda setting. Szarka argues that these NGO advocacy functions can be useful in linking climate change with other issues (hybrid framing), thus bridging the role of NGOs towards concrete actions.

This article will explain how a series of efforts in climate litigation *Asmania v Holcim*, accompanied by HEKS, WALHI, and ECCHR, constitute advocacy for the residents of Pari Island to obtain justice for the climate crisis. The article will be presented through three stages of explanation: first, an explanation of Szarka's NGO advocacy framework on the issue of climate change. Second, an analysis related to the functions of issue framing, construction and dissemination of knowledge, responsibility attribution, political lobbying, and public mobilization. Third, an explanation of agenda setting as a function that integrates the other five functions sequentially and demonstrates how HEKS, WALHI, and ECCHR seek to create an understanding of this climate litigation as a necessary endeavour. After these three stages of analysis, the final section will conclude the article.

#### **4. NGO Advocacy Functions**

Not everyone understands directly why a group of islanders suing a multinational corporation far away from their existence. However, understanding NGO functions through Szarka's framework allows us to see beyond the surface-level legal battle and appreciate the strategic vision and broader goals driving *Asmania v Holcim*'s actions. It becomes clear that this litigation wasn't just about a single island, but a calculated move to achieve climate justice on a global scale.

Joseph Szarka (2013) explains in his article the six environmental NGO advocacy functions in promoting public engagement in climate protection. First, issue framing or the framework that shapes an issue to be understood, discussed, and garner support for climate action. According to him, there are four main frameworks used in climate debates: environmental, economic, social justice, and issue interconnections. The environmental framework focuses on the impact of climate change on ecosystems and biodiversity. Meanwhile, the economic framework views climate change as an economic issue requiring technical solutions, such as new energy technologies. The social justice framework emphasizes the injustices arising from climate change, particularly in developing countries, and calls for action to address these disparities. Finally, the issue interconnections framework involves the relationship between climate change and other issues such as pollution, energy, transportation, and food, often accompanied by criticism of consumerism.

Second, concerning the construction and dissemination of knowledge, NGOs generally provide education to the public through educational programs, training, and awareness-raising activities. NGOs also engage with specialized practitioners who provide presentations of scientific research and offer technical expertise, legal consultation, and policy evaluation. For example, Greenpeace International has become adept at synthesizing and publicizing contemporary environmental science, thereby providing strategic public education. NGOs that specialize in an issue often develop unique pedagogical approaches to educate the public by revealing hidden cause-and-effect relationships. Thus, NGOs can build ideological, emotional, and moral bridges that enable public engagement in climate issues concerning the practice of knowledge construction and dissemination.

Third, Szarka discusses the importance of responsibility attribution in climate change advocacy. Determining who is responsible for climate change often sparks debates. However, there is a consensus that developed countries bear greater responsibility in addressing climate change due to their historical emissions. NGOs play a role in providing explanations regarding responsibility by highlighting the emission histories of developed countries and advocating for them to lead in addressing climate change. NGOs use responsibility attribution as a basis for making political demands and influencing policies by emphasizing the need for developed countries to take action. Responsibility attribution is seen as a means to hold governments and other actors such as MNCs accountable for their actions or inactions in addressing climate change and mobilizing public opinion while exerting pressure on policymakers.

Fourth, NGOs contribute to policy lobbying as a means to influence the climate protection policy-making process. NGOs employ three strategies in their lobbying efforts, including drafting proposals, seeking influence in negotiations, and scrutinizing policy implementation. They aim to identify constructive solutions, influence negotiation outcomes through reports, and enhance monitoring of negotiation outcomes, reporting systems, and legal challenges. In this regard, NGOs also engage transnationally in lobbying industrialized countries to recognize the need to reduce carbon emissions.

Fifth, NGOs play a crucial role in public mobilization as a primary advocacy strategy to expand outreach and garner support for the issues they champion. This mobilization takes various forms, ranging from disseminating information, developing campaigns, organizing demonstrations, and petitions, to boycotts. Public mobilization is viewed as a core activity of NGOs, although the intensity of its politicization varies, with some NGOs focusing on large-scale mobilization through demonstrations and membership recruitment, while others concentrate on campaigns and petitions. For NGOs targeting climate policies at the national and global levels, public mobilization can serve to engage communities in advocacy and political action.

Sixth, agenda-setting on climate issues is crucial for NGOs, although it is difficult to achieve. This function is expected to influence priorities in policy-making and public perceptions of the issue. Agenda setting on climate issues aims to frame it as an urgent problem and link it to other pressing concerns, thus emphasizing the importance of the steps taken in advocacy processes. Although NGOs do not have the same level of power as governments and MNCs, they can still influence agendas at various levels and contribute to shaping discourse on climate change.

## **5. Advocacy by HEKS, WALHI, and ECCHR in efforts to attain climate justice**

To understand how NGOs like HEKS, WALHI, and ECCHR advocate for the residents of Pari Island in obtaining justice from Holcim as carbon majors, this subsection will analyze the climate litigation campaigns created by the three NGOs in advocating for this issue using the NGO functions framework by Szarka.

### *5.1 Issue framing as an advocacy*

Issue framing in the climate debate is defined as the perspective in interpreting the issue of climate change that influences responses and actions. In this case, HEKS, WALHI, and ECCHR use framing to promote public awareness and policy changes related to climate injustice. According to Allan & Hadden (2017) [18], NGOs are now shifting their climate campaign framing towards justice-based issue frameworks to increase attention and lay the groundwork for enhancing solidarity among NGOs and state actors, especially in amplifying the voices of developing countries. This places NGOs' approach to framing their raised issues as strategic and significant, in this case, regarding how MNCs should be held accountable for the impacts of climate change.

Based on data compiled by the Climate Accountability Institute (CAI) in 2020 that produced the largest carbon emissions from 1989-2018, Holcim and LaFarge, which later merged into Holcim-LaFarge in 2015, are among the six multinational cement companies that contributed to greenhouse gas production [19]. On one hand, the cement industry is one of the largest producers of CO<sub>2</sub> emissions. This is because cement emissions arise from chemical reactions and cannot be eliminated simply by changing fuels or increasing efficiency [20]. On the other hand, the demand for cement will continue to increase along with economic growth, so cement production is projected to grow to five billion tons by 2030, or about 25% higher than the demand rate in 2018 (*ibid*).

As stated by Szarka (2013), the primary frames used in framing the climate debate are environmental, economic, and social justice. Within the environmental frame, HEKS, WALHI, and ECCHR, through the Call for Climate Justice campaign, focus on raising awareness of the cement industry's impact on global warming. Meanwhile, from an economic

perspective, HEKS, WALHI, and ECCHR frame the view regarding the quantity of cement production converted into the quantity of emissions generated through cement production activities. The campaign website explains how the cement business has tripled since 1995, consequently increasing the supply of carbon emissions, which contributes to the climate crisis. In discussions regarding social justice, HEKS, WALHI, and ECCHR correlate the impacts of global warming due to increased carbon emissions with the lives of the Pari Island community, who are adversely affected despite not contributing to high emission production, but rather being victims. The three NGOs frame Holcim as a cement company responsible for climate change due to the biogeochemical cycle.

**Table 1.** The list of cement producers included in the carbon majors list

Cement Producers	Cumulative million tonnes CO <sub>2</sub> /CME) period 1989-2018
Cemex	770
Heidelberg Cement	890
Holcim	1,263
Italcementi	612
Lafarge	1,645
Talheiyo	518

Source: *Climate Accountability Institute (2021)*

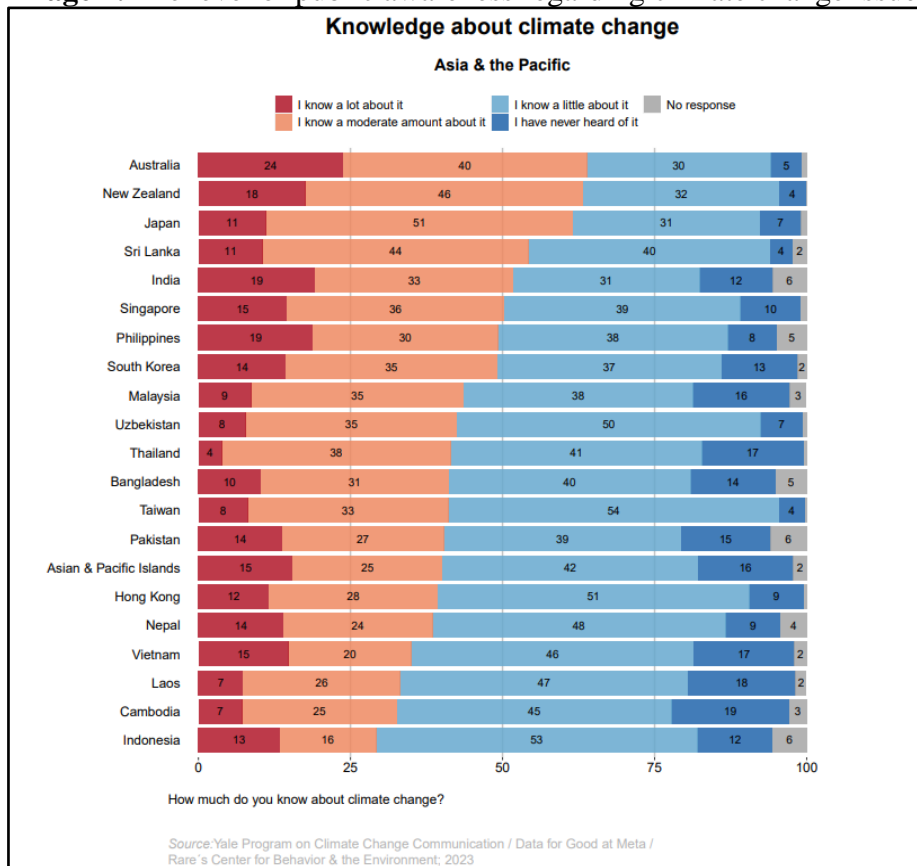
### 5.2 Advocacy as knowledge construction and dissemination

As a function of constructing and disseminating knowledge, NGOs not only spread information but also raise awareness and encourage tangible actions related to the issues raised, namely climate justice. Szarka explains various ways of conveying knowledge. Firstly, through research and scientific expertise, where NGOs conduct research and provide scientific expertise to support advocacy. In this process, HEKS collaborated with Richard Heede through CAI in a study titled "Carbon History of Holcim Ltd: Carbon dioxide emissions 1950-2021." This study provides an attribution explanation regarding the amount of CO<sub>2</sub> emitted by Holcim from 1950 to 2021. Although the emissions produced by cement producers are relatively smaller compared to fossil fuel businesses, Holcim's proportion of cumulative emissions since 1950 is 0.48% and is twice the emissions produced by Switzerland, Holcim's home country, during the same period [21]. The residents of Pari Island use this percentage to demand compensation of USD 4,000 as a form of compensation commonly used in the narrative of loss and damage in climate justice.

In addition to using research and scientific expertise, Szarka mentions that educational materials and active citizen engagement also play a crucial role in climate advocacy. The lack of understanding of the importance of climate litigation is due to the insufficient awareness of the public about climate change issues, especially in developing countries like Indonesia. Based on a global survey of people in 187 countries and territories by the *Yale Program on Climate Change Communication*, the conservation organization *Rare*, and *Data for Good* at Meta [23], it was found that there is a high level of awareness gap regarding climate change between

respondents in developed countries and respondents in developing countries. Moreover, Indonesia is identified as one of the countries in Asia with a lack of knowledge about climate change and is recorded as having respondents who believe that climate change is not caused by humans. As a result, support for climate litigation efforts as a process to obtain global climate justice between Asmania et.al and the court in Zug, Switzerland, is seen only as a localized issue because the Indonesian government neglects the fate of its people. This evidence was seen from several comments by netizens on social media in response to the island’s climate litigation process [22].

**Image 2.** The level of public awareness regarding climate change issues in the Asia Pacific



Source: Yale Program on Climate Change Communication/Data for Good at Meta/Rare’s Center for Behaviour & the Environment, 2023

Given the fact as shown in the *Image 2* that there are still limitations in understanding the issue of climate change, with the campaigns conducted by HEKS, ECCHR, and WALHI, it is hoped that they can provide knowledge on how climate change issues can indeed impact injustice in certain communities. However, further research is still needed to prove whether climate change advocacy can increase public awareness of this issue.

### 5.3 Advocacy as a function of attributing responsibility

The knowledge dissemination function in the Call for Climate Justice advocacy campaign aligns with the function of attributing responsibility to understand the justification for the residents of Pari Island choosing Holcim as the sued company. The embedding of the

context that the Global North mainly causes the impacts of climate change is still considered unfamiliar. Hence, there is confusion about the lawsuit directed at Holcim, which does not have production activities in Indonesia.

In the press conference on September 20, 2022, titled "Climate Lawsuit by Pari Island Community against Holcim," it was explained that the residents of Pari Island are not the perpetrators or producers of carbon emissions causing climate change; rather, they are the victims. The importance of explaining the attribution of the impacts of climate change is highly relevant to understanding climate justice advocacy. The research initiated by HEKS and conducted by CAI, regarding the calculation of the amount of carbon emitted by Holcim during its production period, shows significant figures indicating Holcim's contribution to climate change. This research serves as a form of attribution knowledge that demonstrates the cause-and-effect relationship of a phenomenon, in this case, the climate crisis. Thus, the data presented through this research can serve as genuine justification for the designation of Holcim as the sued company, not without reason.

#### *5.4 Policy lobbying and public mobilization as part of advocacy*

As the campaign progressed, WALHI, along with HEKS and ECCHR, invited two of the four plaintiffs from Pari Island, Asmania and Edi, to engage with activities in major cities in Germany and Switzerland to expand awareness of their climate litigation efforts and garner support. During the campaign in several cities, Asmania and Edi, accompanied by WALHI and ECCHR, spoke at international forums such as *re:publica23*, the largest digital society conference in Europe, in June 2023. Furthermore, together with WALHI and HEKS, they met with members of the National Council at the Swiss Federal Palace and engaged with various media outlets, church parishes in Berne, participated in the Women's March in Zurich, and held discussions with representatives of civil society. Additionally, Asmania and Edi conducted several interviews with local journalists in Switzerland.

In an interview with [swissinfo.ch](http://swissinfo.ch), Nina Burri HEKS' lawyer explained that the climate lawsuit is not only symbolic but also strategic [24]. This aims to encourage private entities to come up with sustainable solutions to combat climate change. In the case of Holcim, for example, the company is considered a pioneer in climate strategy, but HEKS, WALHI, and ECCHR believe that Holcim has been slow to implement such measures and therefore needs to be held accountable. This aligns with the fourth and fifth functions of NGO advocacy, which involve lobbying to influence climate protection policy formation processes and mobilizing the public to expand support. Through the visits of the plaintiffs from Pari Island to Switzerland, a special appeal is created to mobilize the government and the public on this issue, participating in various major events in Germany and Switzerland while continuing to voice the Pari Island residents' desire for justice and raise awareness about the climate crisis.

In their meeting with members of the Green Party in Switzerland, Delphine Klopfenstein Broggin as a parliament member, emphasized the importance of listening to the concerns of Pari Island residents who have traveled far to express their anxieties [24]. As a result, in October 2023, the Zug Regional Court approved the legal assistance request from Asmania, Arif, Bobby, and Edi as plaintiffs. This step is a significant milestone in the ongoing legal process against Holcim, marking the first time a Swiss court has responded to a request for a company to be held accountable under civil law for its contribution to climate change.

### 5.5 *Agenda Setting by HEKS, WALHI, and ECCHR*

Agenda setting is a primary advocacy function of environmental NGOs in the context of climate change issues. As previously explained, the climate litigation supported by HEKS, WALHI, and ECCHR has strategic rather than political goals, aiming to push for policies targeting carbon majors to address the climate emergency. HEKS, WALHI, and ECCHR leverage the momentum from the victory of Milieudefensie, a Dutch NGO that sued Royal Dutch Shell in 2018 to reduce carbon emissions by 45% by 2030 compared to 2019 levels. When they first announced the case in 2018, the response often doubted the decision of an NGO to sue one of the world's strongest companies [25].

Unlike the Milieudefensie case, the *Asmania v Holcim* case forms another agenda that NGOs want to convey through the litigation process of Pari Island residents regarding climate change issues. First, it shows individual accountability in seeking justice from the company. The long wait for climate crisis victims, especially in the Global South, to receive attention and realization of commitments from international actors, especially from the Global North, highlights the prolonged climate justice issues without solutions. With the movement of a small group of people representing island communities, it is hoped that it can demonstrate that the impacts of the climate crisis have indeed occurred. In this case, NGO advocacy through its narratives and campaigns can shift the focus from abstract global warming to a personalized, tangible issue that is easily understood and impactful.

Secondly, it demonstrates climate litigation as a legal innovation in seeking justice. The HEKS' lawyer stated in an interview with DW News, "the fossil fuels and energy companies, they have been in the spotlight and they have already faced a number of lawsuits globally, but the cement industry is kind of second in line and there should also be the spotlight on them" [26]. The cement industry is one of the largest emitters in the industrial emissions category [27]. Although not the largest emitter globally, NGOs advocating this case play a role in determining strategies for selecting MNCs to target. In this regard, NGOs seek to demonstrate that establishing a legal framework to hold companies accountable for historical emissions is feasible. By following civil law provisions in Switzerland and relying on attribution studies through CAI, this effort can be pursued. It is hoped that this will pave the way for similar cases, especially in the Global South, and promote stronger climate strategies for companies.

Thirdly, enhancing international collaboration in achieving global climate justice. Cross-border efforts emphasize shared responsibility between the Global North and Global South in climate action and ensuring the voices of communities directly impacted by climate change, such as Pari Island, are heard. Historically, the majority of climate litigation cases have been filed in the Global North, such as Europe and the United States [28]. However, communities in the Global South bear the heaviest burden of climate change impacts. As a result, representation of Southern voices does not receive adequate proportion, leading to a lack of perspectives and representation from Southern communities. Collaboration between Northern and Southern NGOs also aims to strengthen advocacy efforts and enhance capacity building in climate litigation. This is because inclusive perspectives and experiences from the Global South can provide a more pluralistic understanding of climate issues [9]. Moreover, experiences from the Global South can demonstrate the diversity of cases that have the potential to advance the development of global climate governance.

MNCs have an equal responsibility to governments in the process of mitigating and adapting to the climate crisis. This is demonstrated by how *Asmania et al.* chose Holcim as a carbon major company in the Global North, which has a significant contribution to accelerating the climate crisis. The strategic selection of litigation targets is expected to raise awareness

among other emission-contributing companies to act more swiftly and commit more strongly to reducing carbon emissions, at least in line with the Paris Agreement.

## **6. Discussion**

Climate litigation emerges as a crucial tool for driving climate justice, as existing mechanisms like the Paris Agreement and annual COPs prove inadequate in achieving timely mitigation. While legal battles hold immense significance, their influence often remains confined to the courtroom. This section argues that effective NGO advocacy, exemplified by the combined efforts of HEKS, WALHI, and ECCHR in the Asmania case, serves as a potent attempt in translating litigation into tangible societal change.

Drawing upon Joseph Szarka's (2013) framework of NGO functions, we can analyze the multifaceted contributions of NGOs in the Asmania case. Firstly, empowerment manifests through capacity building and legal assistance provided to under-resourced communities like the Pari islanders. In terms of capacity building, NGOs have provided the islanders with essential legal aid, especially in the case of transnational litigation. The residents of Pari Island are no strangers to the legal system, especially in the DKI Jakarta Province. In recent years, the residents of Pari Island have been involved in several high-profile legal cases such as the 2017 lawsuit against the Jakarta government, alleging that the government had illegally evicted them from their homes [29] and 2018 mistrial, where the Kepulauan Seribu Police Resort accused them of a for the implementation of donations for visitors to Pasir Perawan Beach in Pari Island [30]. However, *Asmania v Holcim* case is a different kind of lawsuit where they need to battle their right to exist in a different country. Here, NGOs have their special support in equipping the islanders with the knowledge to understand the legal proceedings and to participate meaningfully in advocating islanders' rights.

Secondly, mobilization is evident in the NGOs' ability to galvanize public support, garnering international attention for the case and its implications. Here, NGO have their support in facilitating access to resources that the islanders might not have possessed on their own, in a way to level the playing field against Holcim as a powerful corporation. Their activities in Europe are seen as the motion of resource support in how Pari islanders can share their voices with different communities in the global North as well as showed people of the North on what the real cases happening in the South.

Thirdly, representation is achieved through the NGOs' effective communication of the islanders' plight, amplifying their voices on the global stage. While the case belongs to the islanders, the NGO representatives have helped islanders share their stories and experiences with the wider world through targeted media, campaigns, and public awareness initiatives. Without the ability to provide the stage to the islanders, their case will not be easily heard. The power of media in this digital era has provided a seamless effort to share the issue of Pari Island. However, to craft how the story is compelling in sending indirect impact of the lawsuit is when the litigation raises public awareness of the climate change issue itself, puts pressure on the government to change its policy, or influences MNCs culture on shaping behavioral change [31].

Finally, advocacy comes to fruition through strategic lobbying and policy engagement, aiming to influence industry practices and hold corporations accountable. The Asmania case serves as a powerful illustration of how NGO advocacy transcends the pursuit of legal victories. While securing a favorable court verdict is undoubtedly important, its impact might remain limited without broader societal awareness. The NGOs' efforts effectively translated the legal battle into a platform for raising public consciousness about the disproportionate burden borne

by the global south in the face of climate change. The legal battle, coupled with the unwavering advocacy of HEKS, WALHI, and ECCHR, has the potential to influence corporate practices, policy frameworks, and public discourse. This case sets a precedent for similar future collaborations, demonstrating the effectiveness of strategic litigation in conjunction with robust NGO advocacy to achieve systemic change in the fight for climate justice.

## **7. Conclusion**

Climate change is a global challenge that creates injustice, particularly between developed and developing countries. Despite international efforts such as the Paris Agreement, disparities in the distribution of burdens and benefits persist. Climate litigation, as an advocacy strategy of NGOs, becomes an alternative to fighting for justice, especially in cases like the lawsuit brought by the residents of Pari Island against the multinational corporation Holcim-LaFarge. This highlights the importance of the role of non-state actors in holding companies accountable and changing behavior related to the impacts of climate change.

Through the concept of NGO functions in advocating climate change, Szarka emphasizes the importance of the environmental, economic, and social justice frameworks, as well as the interconnectedness of issues in understanding and supporting climate action, highlighting the active role of NGOs in shaping policies, providing knowledge, and mobilizing communities in global climate governance. From the six functions elaborated by Szarka (2013), in order to ensure the litigation strategy has its deep impact, two of which have been considered vital for NGOs to put their strength into it; dissemination of knowledge and attribution responsibility. These two functions served as the base to distribute evidence on what matters most in the climate crisis. Not that the other four functions less important than these two, but emphasizing on hard data will provide a firm ground on the litigation process itself and proof that the climate crisis phenomenon is not merely a dystopian state but a real one.

In advocating for the residents of Pari Island against Holcim as *carbon majors*, NGOs such as HEKS, WALHI, and ECCHR utilize issue framing focusing on environmental, economic, and social justice impacts. They leverage climate litigation campaigns, scientific research, and education to raise public awareness of Holcim's responsibility for carbon emissions. This campaign also involves two plaintiffs traveling to Germany and Switzerland to mobilize international support and obtain court approval in Zug, Switzerland, as a strategic step in advocating for climate justice. Words need to be heard especially in the area where the facts are unseen. By framing the misery of Pulau Pari into a global issue as the impact of climate injustice, challenging the global community to act more on the issue.

The agenda-setting by HEKS, WALHI, and ECCHR in climate litigation against Holcim plays a crucial role in advocating the issue of climate change. The *Asmania v Holcim* case serves as a benchmark of how NGOs use climate litigation to demonstrate individual accountability in obtaining justice from corporations, highlight climate litigation as a legal innovation in achieving justice transnationally, enhance international collaboration in achieving global climate justice, and hold MNCs accountable in the mitigation and adaptation processes of the climate crisis. The efforts of NGOs in this case have been successful in amplifying climate campaigns and litigation, raising public awareness, and encouraging corporations to make stronger commitments on reducing carbon emissions.

Therefore, climate litigation supported by NGOs represents a new form of advocacy in the fight for climate justice. Despite the complexities of the legal process, the message regarding the rights of the community in Pari Island, in particular, can resonate widely and raise awareness about similar issues that have yet to be addressed.

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