

Media release

30 September 2019

Legal standoff as German villagers unite against RWE's eviction plans

Düsseldorf, Germany -- Residents of several German villages have [formed an alliance](#) to challenge major utility RWE's plans to destroy their homes for coal.

The alliance, acting under the name [Menschenrecht vor Bergrecht](#) - "human rights before mining rights" - is a 'solidarity group' of residents directly threatened by expropriation, and those from neighbouring villages.

At a press conference in Düsseldorf, North Rhine-Westphalia today, the group stated that they want legal clarity on whether they can be forcibly moved from the villages of Keyenberg, Kuckum, Westrich and Berverath, and the surrounding farms, which are scheduled for demolition by the utility so it can expand its Garzweiler coal mine.

The villagers are refusing to sell a piece of land that lies on the frontier between the mine and the village of Keyenberg, which is next up for demolition by RWE. In a legal letter sent to the company, the regional government and to the local authority, they announce that they will not negotiate the sale of this piece of land with the operator. Instead, they call for RWE's public assurance that not one more person will be evicted for coal against their will.

It means that if RWE intends to stick to its plans to flatten the villages, the company must now apply to the local authorities, who have the power to turn this piece of land over to the company.

If the authority decides in RWE's favour, the villagers have pledged to challenge the decision in court, seeking to create a precedent - that, in view of Germany's agreed coal phase-out and the urgent action needed on climate change, not one more person must lose their home to coal.

Menschenrecht vor Bergrecht member Marita Dresen is from Kuckum, which faces demolition. She said: "The legal route is not what we would have chosen, but it seems we have no other option if we're to get clarity. But I would never have taken this step alone. We are a team and we know that we are not just acting for our villages, but taking a stand against coal everywhere - and for the climate. That gives me and my family the determination to stand up to RWE - in a legal forum, if needs be - however long it takes."

Another member, Britta Kox, is from Berverath, which is also in line to be demolished. She said: "We love our homes - we've laughed and cried here, we work here, our lives are here. It's absurd that we still have to fear losing all of this for coal."

Birgit Cichy lives in Wanlo, neighbouring the mine. Though her home is safe from demolition, her future and community are directly affected and she is also a member of Menschenrecht vor Bergrecht. She said: "After all this time, the

villagers just want legal certainty. But we also want the public to know what is still happening in the name of coal. It is unfathomable that RWE's desire to mine this dirty coal should outweigh anyone's right to stay in the home they have made for themselves."

An eventual court challenge would seek to clarify whether coal mining can still be considered to be in the public interest – as RWE claims – given Germany's commitment to phase out coal, recent sign-up to the Powering Past Coal Alliance, and recognition of the towering threat of climate change.

Lawyer Dirk Teßmer, who is representing the villagers, said: "Expropriating homes for coal is a vast infringement of people's fundamental rights – and in the face of the climate crisis, and the coal phase-out, we believe it is both inappropriate and unconstitutional."

The Garzweiler mine already covers 48km² and has wiped out multiple villages in its path. The next set for demolition are Keyenberg, Kuckum, Unter-/Oberwestrich, Berverath, and 'Holzweiler Höfe'.

To date, 125,000 people have been relocated in Germany for coal mining. The future of several thousand more still hangs in the balance.

ENDS

Notes to editors

Read the villagers' letter to RWE Power AG (only german).

Drone footage of the existing Garzweiler mine can be found in [this Arte feature](#); an overview of the threat the villagers are facing is covered in [this Channel 4 report](#).

When RWE plans a mine expansion, it usually seeks an expropriation settlement, offering a compensation package to villagers they need to move. If an agreement cannot be reached, RWE must then apply to the local authority to launch forcible expropriation proceedings.

In this case, if RWE files the request and is granted the expropriation, the villagers would be ready to respond with legal action.

Acting for environmental group Deutsche Umwelthilfe, and with the support of Grüne Liga, expert lawyer Dirk Teßmer successfully secured a suspension of coal plant Jänschwalde's activities in September this year, for environmental reasons.

Coal from the Garzweiler mine is essential to RWE – in combination with coal from the nearby and controversial Hambach mine, it provides a specific and vital mix that powers notorious and highly polluting coal plants Neurath and Niederaußem, ensuring that the plants remain economically viable for longer. The challenge could have major implications for RWE's ability to run its plants.

Niederaußem and Neurath are two of the EU's largest coal plants. At around [3.5GW and 4.5GW capacity respectively](#), they are three times the size of average coal plants, ranking second and third in [the list of the EU's biggest CO2 polluters](#). Their oldest units are around 50 years old.

Germany's climate conversation has been fraught in the last two years. After the coal phase-out was agreed in broad terms last year, the [pressure has been on](#) the government to put the deadline – albeit a late one – into law. This would give certainty to industry, accelerating the energy transition. But no such law has been agreed. Meanwhile, the outcome of the recent 'Klimakabinett' has been met with [widespread disappointment](#).

The regional authorities in North Rhine-Westphalia have so far failed to give the villagers a clear answer on whether their villages would be protected from mine expansion.

Plans to expand the nearby Hambach mine attracted [vast media attention last year](#). RWE's plans for its further expansion threaten kilometres of some of Europe's most ancient woodland – much of which has already been lost to lignite mining.

Environmental groups and grassroots campaigning groups like Alle Dörfer Bleiben have been working to publicise the issue of expropriation, particularly since Germany's coal phase-out recommendations were released – the rationale being that no more villages should be demolished with an end in sight for coal.

Environmental law charity [ClientEarth](#) has been providing support on the Menschenrecht vor Bergrecht campaign.

Press contact details:

+49 (0) 151 6659 3515
presse@menschenrecht-vor-bergrecht.de

Campaign channels:

Facebook: facebook.com/MenschenvorBergrecht

Twitter: @AkteKeyenberg

www.menschenrecht-vor-bergrecht.de