



Urgenda v. The State of the Netherlands Summary

On Wednesday, 26 June 2015, the Hague District Court in the Netherlands issued a groundbreaking [decision](#), declaring that the Dutch government has a legal obligation to prevent dangerous climate change and recognizing the need for speed to avoid “hazardous climate change.” The ruling requires that the Dutch government adopt more stringent climate policies to reduce its greenhouse gas emissions 25% below 1990 levels in the next five years. This is the first time that a court has legally required a State to take precautions against climate change.

The lawsuit was brought against the Netherlands under human rights laws by the sustainability foundation Urgenda, on behalf of nearly 900 Dutch citizens. Urgenda requested that the court: 1) declare that global warming of more than 2°C will lead to a violation of fundamental human rights worldwide; 2) that the Netherlands is acting unlawfully by not contributing its proportional share to preventing more than 2°C warming; and, 3) to order the Netherlands to reduce CO₂ emissions by 40% by 2020 below 1990 levels.

Citing the latest findings of the Intergovernmental Panel on Climate Change (IPCC), the court concluded – and both parties agreed – that in order to prevent “massive and irreversible disruptions of the global ecosystem,” global average temperature increase must be limited to 2°C compared to pre-industrial level, and in order to achieve that goal, the Netherlands must cut its greenhouse gas emissions 80-95% compared to 1990 levels by 2050.

Notably, the court pointed out that under the government’s current policy, the Netherlands was on track to reduce CO₂ emissions by 17% below 1990 levels by 2020, which complied with its international obligations under the Kyoto protocol and European Union targets. However, the court agreed with Urgenda, that according to the [2013 UNEP Emissions Gap Report](#), postponing mitigation is costlier than early action, and risks failing to meet the 2°C target entirely. The court emphasized that postponement “will cause a cumulation effect, which will result in higher levels of CO₂ in the atmosphere in comparison to a more even procentual or linear decrease of emissions starting today.”

The court further noted that the Netherlands’ current policies “will in fact make significant contributions to the risk of hazardous climate change and can therefore not be deemed as a sufficient and acceptable alternative to the scientifically proven and acknowledged higher reduction path of 25-40% in 2020.”

The court buttressed its decision by arguing the Dutch government, regardless of any international agreement, owes a duty to its people and to the globe to immediately mitigate climate change. The recently published [Oslo Principles on Global Climate Change Obligations](#) stated: “No single source of law requires States and enterprises to [unilaterally fight climate change]. Rather, a network of intersecting sources provides States and enterprises with obligations to respond urgently and effectively to climate change in a manner that respects, protects, and fulfills the basic dignity and human rights of the world’s people and the safety and integrity of the biosphere.” Likewise, the court cited international climate change agreements, the European Convention on Human Rights, the Dutch Constitution, and domestic Dutch laws. According to the court, but not according to any specific law, postponing curbing greenhouse gas emissions was tantamount to “hazardous negligence on the part of the State.” These principles were recently prepared by an expert group on global climate obligations, including [INECE](#) member Justice Antonio Benjamin.

Urgenda v. The State of the Netherlands represents the first time a judge has legally required a State to take precautions against climate change. This monumental case may provide support to other climate change cases around the world, including ongoing cases in Belgium, Norway, and the Philippines, and may play a role in upcoming climate negotiations.

“Shadow of climate liability has now grown darker in boardrooms around world thanks to Dutch case,” commented Durwood Zaelke, President of the Institute for Governance & Sustainable Development.