In Landmark Case, Dutch Citizens Sue Their Government Over Failure To Act On Climate Change

**BY NATASHA GEILING** POSTED ON APRIL 14, 2015 AT 12:40 PM

*The Hague, Netherlands, where the climate case will be heard.*

For the first time ever, climate change is being taken to court over human rights.
Public arguments are scheduled to begin Tuesday in the Netherlands, where nearly 900 Dutch citizens have filed a lawsuit against their government for failing to effectively cut greenhouse gas emissions and curb climate change.

Hailed by Dutch press as a “landmark legal case,” it’s the first European example of a group of citizens attempting to hold a government responsible for inefficient climate policies, and the first time that existing human rights laws have been the basis of a case.

“What we are saying is that our government is co-creating a dangerous change in the world,” Roger Cox, a legal adviser for the plaintiffs, told RTCC. “We feel that there’s a shared responsibility for any country to do what is necessary in its own boundaries to mitigate greenhouse gas emissions as much as is needed.”

The plaintiffs will ask the court to force the Dutch government to reduce its greenhouse gas emissions by between 25 and 40 percent relative to their 1990 levels by 2020 — reductions that the IPCC has said developed nations must make if the world wants a 50 percent chance of avoiding a 2 degree Celsius increase in global temperature. Currently, the European Union has committed to reducing its emissions 40 percent by 2030, but the Netherlands has not made any specific commitments, saying instead that it intends to adopt any international agreement that comes from the Paris climate talks later this year.

To the Dutch citizens who are part of the class action, that promise isn't enough. In 2012, the sustainability-focused Urgenda Foundation sent a letter to the government demanding more immediate action on climate change. When they received no response, Urgenda began looking for citizens to support a court case against the Dutch government. A year later, Urgenda, along with nearly 900 co-plaintiffs, filed a case against the Dutch government.

The plaintiffs represent a wide cross-section of Dutch society, hailing from a diverse set of age groups and professions. One of the more notable plaintiffs, Joos Ockels, is the wife of Wubbo Ockels, the first Dutch citizen in space and a committed climate advocate until his death last year.

Nearly a quarter of the Netherlands is below sea-level, which forced the country to become an early adopter of climate adaptation strategies and renewable energy. But while the adaptation strategies meant to shield the country from rising sea level and more frequent storms are still in place, it has begun to fall behind when it comes to clean energy. According to the International Energy Agency, the Netherlands lags behind much of the European Union in renewable energy sources. In 2013, 4.5 percent of energy
consumed in the Netherlands came from renewable sources, far below the country’s goal of getting 14 percent of its energy from renewables by 2020.

According to Dutch News, Urgenda claims that the Dutch government has acknowledged that its actions are “insufficient” to prevent the dangers associated with a warming world.

“The Netherlands is therefore knowingly exposing its own citizens to dangerous situations, in which they and their children will suffer serious hardship,” Urgenda said. “The Dutch Supreme Court has consistently upheld the principle that the government can be held legally accountable for not taking sufficient action to prevent foreseeable harm. Urgenda argues that this is also the case with climate change.”

Earlier this year, the supporters of the Dutch case claimed a significant victory with the launch of the Oslo Principles on Global Climate Change Obligations, which hold that governments have the legal obligation to prevent the harmful effects of climate change, regardless of any preexisting international agreements. Though the agreement is mostly a template for courts, not a hard and fast protocol, it claims Jaap Spier, advocate-general of the Netherlands Supreme Court, as one of its primary supporters. According to the BBC, Spier has been quoted in the Dutch press saying that courts could be used to make countries adopt “effective climate policies.”

Urgenda hopes that this lawsuit will inspire others to use courts to hold countries accountable for failing to act on climate change. In Belgium, over 12,000 people have already pledged their support for a court case holding the government responsible for its actions on climate change. In the United States, the Oregon-based nonprofit Our Children’s Trust has been using similar tactics across the country, launching a suite of youth-led lawsuits against state and federal entities for failing to act on climate change. One such case in Oregon began oral arguments last week after being initially shot down in 2012.