



## Urgenda Foundation v. The State of the Netherlands (Ministry of Infrastructure and the Environment)

C/09/456689

**Country:** Netherlands

**Region:** Europe

**Year:** 2015

**Court:** Hague District Court (Chamber for Commercial Affairs)

**Health Topics:** Environmental health

**Human Rights:** Right to a clean environment, Right to family life, Right to life

### Facts

The plaintiff Urgenda, a foundation committed to a more sustainable society, brought a claim on behalf of over 800 individuals against the defendant, the state of the Netherlands, regarding climate change. Specifically, the plaintiff asked the court to rule that it would be unlawful for the defendant not to reduce annual greenhouse gas emissions by at least 25% by the end of 2020 or 40% by 2030. It also asked for the court to rule that it was illegal for the defendant not to reduce the joint volume of annual greenhouse gas emissions by at least 25% in 2020 or 40% by 2030.

The plaintiff claimed that failing to reduce greenhouse gas emissions would lead to dangerous climate change and other harmful consequences, and also that failing to reduce emissions was a violation of Articles 2 and 8 of the European Convention on Human Rights (â€œConventionâ€•). Article 2 protects the right to life and Article 8 protects the right to private and family life.

### Decision and Reasoning

The Court determined that the case turned on whether the Netherlands had a legal obligation towards Urgenda to place further limits on greenhouse gas emissions.

After considering the Stateâ€™s commitment to the UN Climate Change Convention and the Kyoto Protocol, the Dutch Civil Code and Constitution, as well as research about the need to take precautionary measures to limit climate change, the Court held that the State did have a duty of care to mitigate harms to the climate. The Court considered the Stateâ€™s many arguments, including that reducing emissions in the Netherlands would not make a difference globally and that reducing emissions would harm Dutch businesses. The Court did not agree rejected these arguments and upheld its initial conclusion that the State had a duty to implement mitigation measures.

In the end, the Court held that the State had acted negligently towards Urgenda by starting from a reduction target for 2020 of less than 25%. The Court ruled that the state had to limit the joint value of Dutch annual greenhouse gas emissions so the volume would be reduced by at least 35% by the end of 2020.

The Court considered the claims under the Convention, but held, however, that the plaintiff could not rely on the Convention because it was not an individual claimant as required by the Convention.

### Decision Excerpts

â€œThe fact that emissions occur on the territory of the State and the State, as a sovereign power, has the capability to manage, control and regulate these emissions, means that the State has â€œsystemic responsibilityâ€™ for the total greenhouse gas emission level of the Netherlands and the pertinent policy.â€• Section 3.2.

â€œMoreover, under national and international law...the State has an individual obligation and responsibility to ensure a reduction of the emission level of the Netherlands in order to prevent dangerous climate change.â€• Section 3.2.

â€œThe fact that the current Dutch greenhouse gas emissions are limited on a global scale does not alter the fact that these emission (sic) contribute to climate change. The court has taken into consideration in this respect

as well that the Dutch greenhouse emissions have contributed to climate change and by their nature will also continue to contribute to climate change.â€• Section 4.90.

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