

Court orders Netherlands to act on climate change

Nation must cut emissions by 25% from 1990 levels.

By JOHN SCHWARTZ
New York Times

The Supreme Court of the Netherlands has ordered the government to cut the nation's greenhouse gas emissions by 25% from 1990 levels by the end of 2020. It is the first time a nation has been required by its courts to take action against climate change.

Because of climate change, "the lives, well-being and living circumstances of many people around the world, including in the Netherlands, are being threatened," Kees Streefkerk, the chief justice, said in the decision. "Those consequences are happening already."

It was a victory for the environmental group Urgenda, which filed its lawsuit in 2013 against the Dutch government with nearly 900 co-plaintiffs. The group issued a statement applauding the ruling.

"Today, at a moment when people around the world are in need of real hope that governments will act with urgency to address the climate crisis, the Dutch Supreme Court has delivered a groundbreaking decision that confirms that individual governments must do their fair share to reduce greenhouse gas emissions," the group said.

This is the third court victory for Urgenda. In 2015, the the Hague District Court ordered the government to reduce greenhouse gas emissions by at least 25% from 1990 levels in the following five years. The lawsuit had demanded reductions of between 25% and 40%. The government had already committed to reducing emissions, but by a smaller amount.



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Climate activists gathered outside the Supreme Court of the Netherlands in The Hague on Friday ahead of the ruling.

That decision, based partly on theories of human rights, stated that the possibility of damages to current and future generations was so great and concrete that, given its duty of care, "the state must make an adequate contribution, greater than its current contribution, to prevent hazardous climate change."

The government appealed that decision. In October 2018, the Hague Court of Appeal ruled in favor of Urgenda. In that case, the court, citing obligations under the European Convention on Human Rights, stated that the government was "acting unlawfully" by not taking stronger action to reduce emissions and that "a reduction obligation of at least 25% by end-2020, as ordered by the district court, is in line with the state's duty of care."

The government appealed that decision as well, this time to the Supreme Court of the Netherlands. In September, the procurator general and advocate general, who advise the court, published an opinion urging the justices to reject the government's arguments.

In the ruling Friday,

Streefkerk said the argument that a cut in emissions in the Netherlands would not have a big effect on a global level did not absolve a country from taking measures to reduce its own emissions. "Every country is responsible for its share," he said.

In practical terms, the Supreme Court's decision will force the government to take strong action to reach the 25% reduction, which could include closing coal-fired power plants, some of which opened as recently as 2016.

The Dutch case has inspired similar suits against governments around the world.

In the United States, climate policy has been influenced by the courts numerous times, and the number of lawsuits against the federal government has grown. A federal suit on behalf of young people awaits trial in Oregon after a labyrinthine path of pretrial filings and appeals that have reached the Supreme Court twice already.

The plaintiffs are awaiting a decision from the Ninth U.S. Circuit Court of Appeals about whether the trial can move forward.