

The 16 Committee on the Rights of the Child Petitioners, Including Greta Thunberg and Ridhima Pandey, Applaud Dutch Supreme Court Ruling in Urgenda

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Related Practice Areas: **Civil and Human Rights, Environmental Threats, Human Rights and Environmental Disputes, Mass Torts and Public Health Threats**

Friday, December 20, 2019 – Following the events of COP 25 in Madrid that resonated with disappointment and a lack of meaningful progress, the 16 youth Petitioners, including Greta Thunberg and Ridhima Pandey, who brought the landmark complaint *Sacchi et. al. v. Argentina et. al* to the United Nations Committee on the Rights of the Child (“CRC”) concerning the human rights impacts of climate change on children, applaud today’s decision from the Dutch Supreme Court in the *Urgenda* case, which ruled that the Netherlands **must lower its emissions by at least 25% below 1990 levels before 2020** – and anything lower than 25% would be unlawful. The ruling comes just days after the European Union rolled out its plan for a Green New Deal – a move that the Petitioners likewise commend. Both events represent new avenues for individuals and states to act in the ongoing fight to combat the climate crisis.

Michael D. Hausfeld, founder and Chairman of Hausfeld and counsel for the 16 CRC Petitioners, emphasizes:

The Urgenda decision of the Dutch Supreme Court marks a turning point for the legal responsibility of nations contributing to the climate crisis and recognizes their duty to protect the life and health of those, including children, threatened by the crisis. As expressed by all nations in the Paris Agreement, the climate crisis is a shared concern of humanity. It is now clear that it is also a shared legal accountability.

Background on Urgenda – A Case for Human Rights Violations in the Climate Change Context

In 2013, the Urgenda Foundation, a Dutch organization for sustainability and innovation, along with 900 Dutch citizens brought a case against the Dutch government to require it to reduce Dutch greenhouse gas emissions by a greater percentage to avert catastrophic, foreseeable harm from climate change. The Hague District Court, recognizing that its government could and should be held legally accountable for failing to take sufficient action to prevent such harm, ruled in the plaintiffs' favor in June of 2015. The court ordered the Dutch government to lower its emissions by **at least** 25% below 1990 levels before 2020, finding that the government's existing pledge to reduce emissions by 17% was inadequate to meet the state's fair contribution toward the UN goal of keeping global temperature within 2° C of pre-industrial times. In doing so, the Dutch court became the first court in the world to order a state government to commit to a greater cut in emissions. The Dutch government appealed.

The Court of Appeal in 2018 upheld the Hague District Court's decision, basing its opinion on the State of the Netherlands' legal obligations to protect the life and family life of its citizens, obligations which are laid out in the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Dutch government once again appealed.

In September of this year, the Dutch Advocate and Procurator General – independent judicial officers – officially recommended that the Supreme Court uphold the decision, perhaps providing a sneak preview of the Supreme Court's outcome. Nevertheless, today's final judgment serves as a watershed moment in the fight against the climate crisis: the Dutch Supreme Court, like the lower courts, ruled in favor of the plaintiffs, upholding the Hague District Court's 2015 decision.

Implications of the Dutch Supreme Court's Ruling

The Dutch Supreme Court's ruling is significant in the global fight against climate change. According to the Dutch Supreme Court, the Netherlands has a duty to protect and the power to effectively exert control over Dutch emissions levels. "After all, all emissions contribute to the total increase of CO2 concentration, **and not a single country, small or large, can hide behind the argument that their efforts alone will not determine whether dangerous climate change is to be averted.**" Governments and climate litigants alike should look to this case as a valuable resource and indicator of State responsibility and what action is required to prevent dangerous climate change. Of note, the Supreme Court's analysis highlights existing jurisprudence from the European Court of Human Rights (ECtHR) on the positive obligations of states in cases of environmental harm.

Further, it is a promising sign that this decision comes at a moment when the European Union has also recently adopted an ambitious Green New Deal in an effort to become the first continent to reach net zero emissions in the world by 2050. Although the practical application of Europe's Green New Deal remains untested, its goal to make all 28 countries in the EU "climate neutral" by 2050 is a step forward in stemming the growing impacts of climate change.

Developed nations like the Netherlands, those that comprise the EU, and the respondent states in *Sacchi et. al v. Argentina et. al*, must lead the charge against the climate crisis and take responsibility for their part in causing and perpetuating the climate crisis. Today's ruling, combined with Europe's Green New Deal, mark an important effort to reconcile years of carbon emissions. All states should follow suit.

Children are among the most vulnerable to the effects of climate change. States must do everything in their power to reduce their emissions to mitigate the undeniable catastrophic effects of climate change – many of which the world, and its children, are already facing. Indeed, the 16 CRC Petitioners have already experienced the devastating impacts of climate change and are encouraged to see the Dutch Supreme Court and the EU taking action to reduce global emissions.

This release is distributed by Hausfeld on behalf of Alexandria Villasenor, Carl Smith, Catarina Lorenzo, Chiara Sacchi, Greta Thunberg, Ellen-Anne, Iris Duquesne, Raina Ivanova, Raslene Joubali, Debby Adegbile, Ayakha Melithafa, Ridhima Pandey, Carlos Manuel, Litokne Kabua, David Ackley III, and Ranton Anjain.

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