Urgenda Foundation v. Kingdom of the Netherlands: Litigation as a Means to Climate Accountability

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Abstract

As the international discussion surrounding climate change becomes a greater concern to the public, non-governmental organizations (NGOs) are playing a more significant role in holding governments accountable to national and international environmental policy standards (Pandey, 2015). One mechanism employed by NGOs is litigation, or suing private or public actors in court. A recent case, Urgenda Foundation v. Kingdom of the Netherlands, provides an example of a successful landmark “climate litigation” case resulting in a Dutch court’s decision to order the State to adopt more stringent CO2 standards. To identify the aspects of the Urgenda case that made it such a success, this research examines the arguments and verdict, relevant Dutch constitutional and statutory law, academic analysis of the case, and various media discussions depicting public opinion of the ruling. Through this analysis, this work identifies reproducible legal strategies from the case that may be employed in other climate justice cases inspired by the Urgenda ruling, developing in countries such as Belgium. Seeking a pattern of successful approaches to climate litigation against governments, this research broadens the general understanding of climate litigation cases and their potential role in establishing national environmental accountability in climate mitigation efforts.