

The State of the Netherlands
Ministry of General Affairs
Attn: Prime Minister M. Rutte
P.O. Box 20001
2500 EA THE HAGUE
The Netherlands

Amsterdam, November 12, 2012
Translation of the Dutch letter sent to Dutch Prime Minister Rutte on November 12, 2012

Dear Prime Minister,

On behalf of Urgenda (*Stichting Urgenda*), I write to you with regard to the following.

Urgenda

Urgenda (*Stichting Urgenda*) was founded in 2007 with the objective of promoting the transition towards a sustainable and enduring society. To this end, in 2007 Urgenda drew up a long-term vision for 2050. Under this vision, by 2050 the Netherlands should have carbon-neutral energy supplies that are robust, reliable, continuous and affordable, and also be climate and water-proof in order to face the consequences of climate change. The urgency of a strategic climate and energy agenda was high even in 2007, which was the reason for the ambitious interim targets in Urgenda's action plan for 2020. These include 40% sustainable energy by 2020 and a 30% reduction in energy use relative to 2007.

The targets set by Urgenda for a carbon-neutral energy supply were to a great extent inspired by, and run parallel to, the findings of the Intergovernmental Panel on Climate Change (IPCC). These findings (the most recent being the reports from 2007) should be regarded as the most up-to-date scientific information available concerning the possible risk that humans are causing a climatic change that is threatening mankind. The observations of the IPCC have been accepted worldwide, and have not been disputed either in principle or on the basis of generally accepted scientific arguments by either the scientific community or the public sector.

The scientific certainty of the threat of climate change, and ways to remedy it.

In 2007, the IPCC concluded that it is very likely that the observed rise in (average) global temperatures since the middle of last century can for the most part be attributed to an increase in the quantity of greenhouse gases in the atmosphere, caused primarily by carbon emissions resulting from human activities, in particular the burning of fossil fuels. Regarding this, see the document titled "The 2007 IPCC report and what it means for the Netherlands" (*Het IPCC-rapport 2007 en de betekenis voor Nederland*), the contents of which have been authorized by the reference institutions in the Netherlands.

This climate change is a problem that the whole world will face (albeit not with the same consequences or to the same extent in all countries or regions), and furthermore is caused by human activities that take place across the globe (although not necessarily everywhere to the same extent).

The climatic changes forecast by the IPCC can no longer be prevented in their entirety; the change has essentially already begun. It would also be unrealistic (i.e. impossible and socially unacceptable) to call a uniform halt to carbon emissions in order to prevent further climate change; the global economy would collapse and all of the world's societies would fall into complete disarray.

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The IPCC therefore examined the question of when “dangerous” climate change would set in, and which gradual scenarios could be implemented to continue to reduce carbon emissions over the coming years in both an economically and socially acceptable manner, while also preventing a dangerous level of climate change.

According to the IPCC’s most recent scientific data, dangerous climate change can still be avoided, as long as the average rise in temperature can be limited to a maximum of 2 degrees Celsius. To achieve this goal, by 2050 carbon emissions must be reduced to at least 50% of the world’s emissions in the year 1990, implying a significant reduction in CO₂ emissions (here, Urgenda uses CO₂ as a basic unit of measurement for all greenhouse gases that contribute to climate change).

Scope of the reduction obligations, and consequences of non-compliance.

These findings by the IPCC formed the impetus for the conclusion of international treaties and agreements between countries (or at least attempts to do so) whose purpose is to effect the worldwide reduction of carbon emissions proven necessary by scientific research. These treaties and agreements recognize from the outset that, although combating climate change is a joint responsibility of the global community of nations, different countries have different responsibilities. The most important treaties and agreements into which the IPCC’s findings have been incorporated are cited briefly below.

Under the UN Climate Treaty of 1992, which was signed by the Netherlands and over 180 other countries (plus the EU), the participating countries shouldered the responsibility of preventing “dangerous” climate change, while upholding the principle of “common but differentiated responsibilities,” or the CBDR principle. As a result of this principle, the developed, industrialized countries (called the “Annex I” countries, which include the Netherlands) have accepted that, due to their history of carbon emissions, their major role in the current quantity of global emissions and their state of advanced prosperity, they will need to lead the front line in the battle against dangerous climate change.

In 2009 in Copenhagen and in 2010 in Cancun (the 15th and 16th annual United Nations Climate Change Conferences, respectively), the obligations contained in the UN Climate Treaty that until then had been formulated in abstract terms were further crystallized based on the scientific findings of the IPCC. First and foremost, during these sessions the participating countries agreed that, in order to prevent “dangerous” climate change, the Earth’s temperatures must not rise by more than 2 degrees Celsius above pre-industrial levels. The specific reductions that industrialized countries would have to achieve, as based on the CBDR principle, in order to meet the 2-degree target were also defined in Copenhagen and Cancun. Thus, it was determined that developed countries (including the Netherlands) would be required to achieve an emissions reduction of 25-40% by 2020 and of 80-95% by 2050 (compared to levels in 1990).

At this point, Urgenda wishes to stress that it is crucial for the developed countries to reach their 2020 reduction targets. Once emitted, CO₂ remains in the atmosphere for at least a century, meaning that the current CO₂ concentration level is equal to the aggregate of CO₂ emissions over the past 100 years. The effect is therefore a cumulative one, since the removal of CO₂ from the atmosphere takes longer than its injection into the atmosphere through the burning of fossil fuels.

To prevent the concentrations from becoming too high in 2050, significant reductions in carbon emissions will already need to have been realized by 2020 at the latest. If the reduction of 25-40% is not reached by 2020, CO₂ will accumulate in the atmosphere to such an extent that the greenhouse effect will most probably push global warming over the 2-degree mark before the year 2100.

The Netherlands and the EU are acutely aware that major steps in reducing carbon emissions will need to be taken by 2020 in order to maintain a reasonable possibility of limiting climate change to 2 degrees. As early as January 10, 2007 (i.e. prior to the conferences in Copenhagen and Cancun), the European Commission

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communicated in a document titled “Limiting worldwide climate change to 2 degrees Celsius: Policy up to 2020 and beyond” (*De wereldwijde klimaatverandering beperken tot 2 graden Celsius: Het beleid tot 2020 en daarna*), that the 25-40% target for 2020 is needed in order to maintain a 50% chance of actually being able to reach the 2-degree target.

The necessity of this reduction by 2020 was recognized in a broader context for the first time in the Bali Action Plan, drawn up during the 13th Annual Conference in December 2007. On January 31, 2008, the European Parliament noted in its resolution of this date (quote): *“The European Parliament... welcomes the acknowledgement by the parties to the Kyoto Protocol that a joint 25-40% reduction in greenhouse gases by 2020 compared to 1990 among industrialized countries is necessary.”*

In their letter dated April 29, 2008, the former Minister of Housing, Spatial Planning and the Environment (VROM) and the Minister for Development Cooperation informed Dutch Parliament that the Netherlands also acknowledges the necessary reduction target of 25-40% by 2020. In the same period, the Dutch government therefore committed to reaching a 30% reduction by 2020.

On October 12, 2009, prior to the Copenhagen Summit, Parliament was once again informed of the importance of reaching the 2020 targets by the Cabinet as follows: *“The combined emission reduction measures currently undertaken by the developed nations is not yet enough to ensure a 25-40% reduction by 2020, which is necessary in order to remain on a credible course for keeping the 2-degree target within reach. The sum total of the greenhouse-gas reduction percentages of the Annex I countries for 2020 is currently estimated by the PBL Netherlands Environmental Assessment Agency at between 10 and 15% below the 1990 levels [...]”*

The 2-degree target and the associated 25-40% reduction obligations for 2020 agreed on by the treaty countries at Copenhagen and Cancun in 2009 and 2010 was therefore instituted partly at the initiative and with the agreement of the Netherlands and the European Union.

Conclusion: There is worldwide scientific and political consensus concerning the reduction targets for the Annex I countries, which include the Netherlands: by 2020, carbon emission levels must be 25-40% lower than the levels in 1990 (with further subsequent reductions by 2050). The need for such a reduction target has also been explicitly accepted by the Netherlands.

The Netherlands and the EU are not willing to effect the necessary reductions.

As a whole, the European Union has committed itself to the reduction of carbon emissions by 20% relative to levels in the year 1990. This is less than the amount deemed necessary by the climate convention. During the formulation of the Effort Sharing Decision of April 23, 2009 (which divides and distributes the reduction target of 20% for the EU as a whole across the various member states), the European Economic and Social Committee (EESC) expressly reminded the EU and the member states of the inadequate character of the climate policy they were adopting. In its recommendation, the EESC points out that the planned EU climate policy does not fulfill the required, necessary reduction of 25-40%, and that there is no document accompanying the decision to explain or justify the (knowing) failure to realize the required reduction obligations. However, the European Union has not seen this recommendation as reason to amend the Effort Sharing Decision to include the reduction targets that are actually required, and has not even provided an explanation as to why it does not wish to set adequate targets.

In 2010, both the PBL Netherlands Environmental Assessment Agency and the United Nations Environment Programme (UNEP) came to the conclusion that even if all promises made in Copenhagen by the developed countries were kept and all announced reduction measures were carried out, the required reduction targets for 2020 would still be far from being achieved, a discrepancy known as the “emission gap.” Both reports show that even including the most conditional promises (i.e. those made on the condition that other countries will

also reduce more carbon emissions), the 2-degree target will not be reached. For the EU, this concerns the conditional promise of a 30% reduction by 2020; for the US, 17% by 2020; for Norway, 40% by 2020, and so on.

The world is therefore heading towards dangerous climate change: although the community of world nations is at the helm, too little is being done, as it is less than what we ourselves previously decreed necessary on the basis of scientific information.

The only possible conclusion is that the European Union's promise to reduce emissions by 20% compared to 1990 is simply not enough to avert dangerous climate change. Dutch reduction targets derived from this European 20% are therefore equally inadequate and unsound.

In a recent letter to Dutch parliament dated July 4, 2012, the State Secretary for Infrastructure and the Environment reported that until now the Netherlands has managed to effect a 5.2% reduction in the greenhouse gas emissions of the whole of the Netherlands relative to 1990. This reduction primarily applies to greenhouse gases other than CO₂; the same letter actually states that Dutch CO₂ emissions are still rising relative to 1990 levels. It need not be pointed out that a reduction of 5.2% is far from the 25-40% reduction target for 2020 being asked from the Netherlands (and which the Netherlands has deemed correct) in order to prevent (or help prevent) a dangerous level of climate change.

Current Dutch climate policy is unacceptable, and exposes current and future inhabitants of the Netherlands to major physical and economic risks.

Urgenda finds the situation described above unacceptable. Urgenda believes that the State of the Netherlands and the members of the Dutch government should now be taking the action necessary to prevent dangerous climate change. This means that, with due attention to the above-mentioned emission gap, the Netherlands must do all it can to reduce greenhouse gas emissions by 40% relative to their 1990 levels by 2020.

Here, it is important to put the focus on several issues.

Per capita, CO₂ emissions in the Netherlands are the highest in the world. This means that the Dutch are among the world's biggest contributors to imminent climate change. It is therefore fair to ask the Dutch (and such international requests have indeed been made) to reduce their emissions to a greater extent than many others, and to take the lead in doing so, together with the other industrialized countries.

To a great extent, the high level of Dutch CO₂ emissions is caused by the burning of fossil fuels such as coal, oil and gas to produce energy. It is generally accepted that, in addition to energy efficiency, at least some of the required emission reductions will need to be achieved by switching to sustainable energy. Such a switch has more advantages than just climatic ones: the Netherlands will become less dependent on oil and gas for its energy needs; in light of the fact that oil and gas reservoirs are running out, and also because they are in the hands of regimes pursuing political agendas, a timely transition to sustainable energy would be good for supply continuity and the availability of sufficient energy in the Netherlands, both now and in the future. This is another reason why the Netherlands would benefit economically, and in other ways, from a prompt energy transition.

Because of its low altitude, the Netherlands belongs to the group of prosperous countries at the greatest risk of suffering considerable economic losses due to dangerous climate change. An accelerated rise in sea levels and increasing storm surges, as well as the growing risks of extremities in the water drainage of our rivers, will force the Netherlands (more than other developed countries) to invest in expensive facilities to protect its inhabitants, property and general economic prosperity against flooding. After all, both the majority of the Dutch population and the center of its economic activities are located in areas running a fast-rising risk of flooding in

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the event of dangerous climate change. The Netherlands therefore has above-average security and economic interests in reducing greenhouse gas emissions as much as possible as a means of combating or mitigating dangerous climate change.

Postponing the reduction measures that are needed now for cost-related reasons means that much more drastic measures will need to be taken in a few years' time, and at considerably higher costs. The longer the Netherlands waits with CO₂ reduction, the higher these costs will be. It is in this way that both current and future Dutch generations will have to pay the price for the failure of climate policy over the last few years, and the inadequate climate policy as included in the new coalition agreement. Both the 2006 Stern Report and the report released by the International Energy Agency (World Energy Outlook 2011) have shown that it is economically more pragmatic to act quickly and not to wait, and more importantly, that the reductions that can be achieved prior to 2020 are crucial. The International Energy Agency has calculated that CO₂-reduction measures after 2020 will be up to 400% more expensive than the measures taken before 2020. Urgenda therefore believes that postponing the required reduction measures is no longer an option.

Conclusion

At no time and under no circumstance has the Dutch government issued the opinion that there is no imminent threat of dangerous climate change, that the necessary reductions are technically or economically unfeasible, or that they will not be cost-effective for the future.

Given the potentially very serious consequences of taking inadequate measures, Urgenda finds the current Dutch reduction efforts and plans unacceptable. It also means that the prosperity that the current Dutch generation wishes to enjoy will require too great a price in the future.

In all of this, Urgenda has observed that Dutch politicians have not made the true scope and urgency of the climate issue the subject of any broad and intensive social discussion with the Dutch general public, although the scope and severity of this issue makes it one of the biggest challenges currently facing humankind. Dutch politicians are discussing headscarves, mortgage interest relief, minor fluctuations in purchasing power, and pensions. In fact, during the recent election campaign, the climate issue was not presented by a single party as a matter of major importance for the future of the Netherlands. There is a gaping chasm between what scientists around the world know and understand about climate change and how much the Dutch public is aware of. The Dutch State and its political leaders are to be blamed for this lack of knowledge among the Dutch public.

If there is less support for the necessary climate policy in the Netherlands than in other countries, it is because the Dutch government has not put the hard facts concerning climate change on the political or administrative agenda, nor made them the subject of social debate. As a result, the average Dutch citizen believes that the climate issue really cannot be that bad, because "If it were, the government wouldn't keep quiet about it, but would get up and do something."

The politicians' "keeping quiet" also allows false doubt to be sown in the public debate as regards the true severity and scope of the climate issue, whereas such doubt has already all but vanished in the worldwide social debate and at international government organizations. This lack of commentary in Dutch politics on the actual state of affairs regarding climate change had led to a lack of support among the Dutch public to take the necessary and urgent action. It also explains why the Netherlands is now lagging behind in Europe in the pursuit of sustainable energy provision.

Our request

It is for all of these reasons that Urgenda now asks you to provide an assurance in the form of a written agreement with Urgenda that the Dutch State will take all measures necessary to ensure that by 2020, the

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Dutch emission of greenhouse gases will genuinely be reduced by 40% relative to Dutch emissions in 1990.

The fact that such a reduction is necessary has already been accepted by both the Dutch government (see above) and the global international community. In essence, Urgenda therefore requests that you provide a written promise and confirmation that the Dutch State will genuinely do all that it must do. In short, Urgenda calls on the State to suit its actions to its words: *we want action*.

Urgenda hopes to receive such confirmation from you within four weeks of the date of this letter.

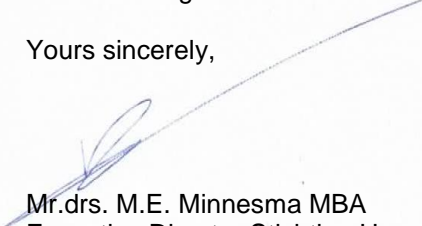
Urgenda realizes that similar requests have already been directed to the Dutch government, one example being the initiative "New Energy for the Netherlands" (*Nederland Krijgt Nieuwe Energie*). The Dutch government at the time did not wish to offer a response.

If Urgenda has not received the requested written assurance from you within four weeks, we will take it as a sign that the current Dutch government also intends to persevere with the current inadequate policy. Further discussion would then seem rather pointless.

In this event, Urgenda will see no other option than to turn to the courts, and ask the court to order the State to take all measures necessary to ensure that by 2020, the Dutch emission of greenhouse gases will genuinely be reduced by 40% relative to Dutch emissions in 1990.

Of course, Urgenda hopes that legal action will not be necessary, and that the Dutch government will prove willing to cooperate with Urgenda to achieve "fast sustainability together" in the Netherlands, and to enable future Dutch generations to continue living in the Netherlands in safety and prosperity.

Yours sincerely,



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Executive Director Stichting Urgenda

- cc. Mr. dr. L.F. Asscher, Minister van Sociale Zaken en Werkgelegenheid
Drs. F.C.G.M. Timmermans, Minister van Buitenlandse Zaken
Mr. I.W. Opstelten, Minister van Justitie en Veiligheid
Dr. R.H.A. Plasterk, Minister van Binnenlandse Zaken en Koninkrijksrelaties
Mw. dr. M. Bussemaker, Minister van Onderwijs, Cultuur en Wetenschap
Dr. J.R.V.A. Dijsselbloem, Minister van Financiën
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