

Transforming the Dutch Climate and Energy Landscape

New Strategies and a Need for
Speed

Dennis van Berkel

@dennisvberkel



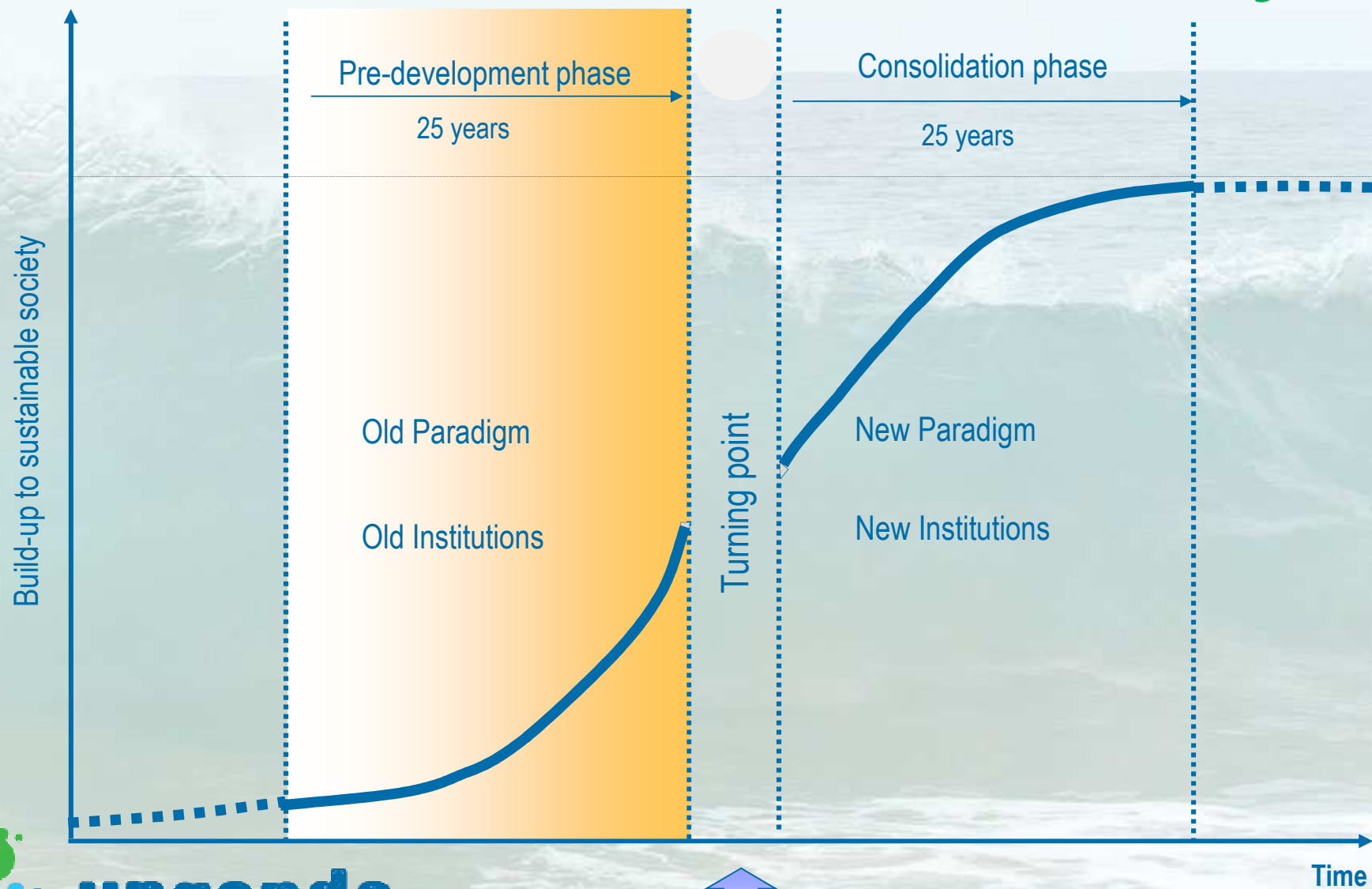
Background

- Corporate Law Firm (Stibbe) & Competition Authority.
- Antitrust and EU regulations
- Turned:
- Legal Counsel at Urgenda
- Climate Change Advocate
 - (activists, campaigner, lobbyist etc)

Urgenda Foundation since 2007

- Making the Netherlands more sustainable as quickly as possible
- Urgent & Agenda (Latin): The things that need to be done
- Based on a long term vision & transition theory

Transition to a sustainable society



wijwillenzon

Zonne-energie voor iedereen

- Urgenda started the Day of Sustainability, >100k people do sth that day, since 2009
- Introduced first electric cars produced in series; sold them to Amsterdam etc
- Introduced first collective buying initiative: bought 50.000 solar panels+inverters etc: price went down 1/3. 10 Mw
- We open and start new markets – help innovations to the market. Solutions oriented

Evaluation of strategy 2012

After 5-6 years: are we moving quickly enough? NO

More focus on climate and energy (and thus on housing, mobility, energy use in other sectors)

Still solutions oriented, but different actions added

Urgency even higher

Report published 2014

- 100% renewables in 2030 - Possible!

deVerdieping
Trouw 'In 2030 alles op zon en wind'



'Energie kan volledig duurzaam zijn in 2030'

de
Correspondent

Honderd procent duurzame energie in 2030, kan dat?

De Telegraaf

Als je maar wilt



Joop / Opinions
DOOR ONLINE OPINIEPAGINE

Pil tegen duurzaam doemdenken

uitgeda
samen sneller duurzaam



100% sustainable energy 2030

Is it possible?

- Technically: yes (without innovations)
- Financially: yes
- People/work force: yes

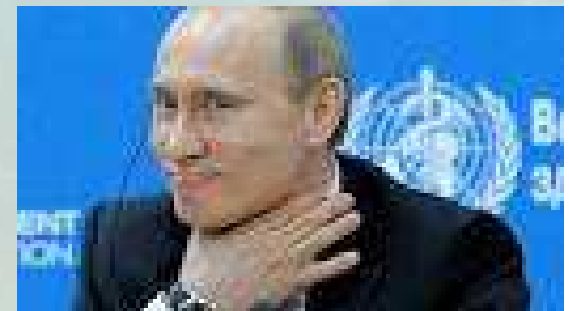
It is Possible, if we Want it!

- Is it easy? No of course not.

And what does it give us?

- Secure and affordable energysystem
- 150.000 jobs & innovation
- Our gas is gone in 20 years; we do not need to become dependent on Russia etc
- Sust. energysystem in 2030 is 3 bln cheaper than BAU

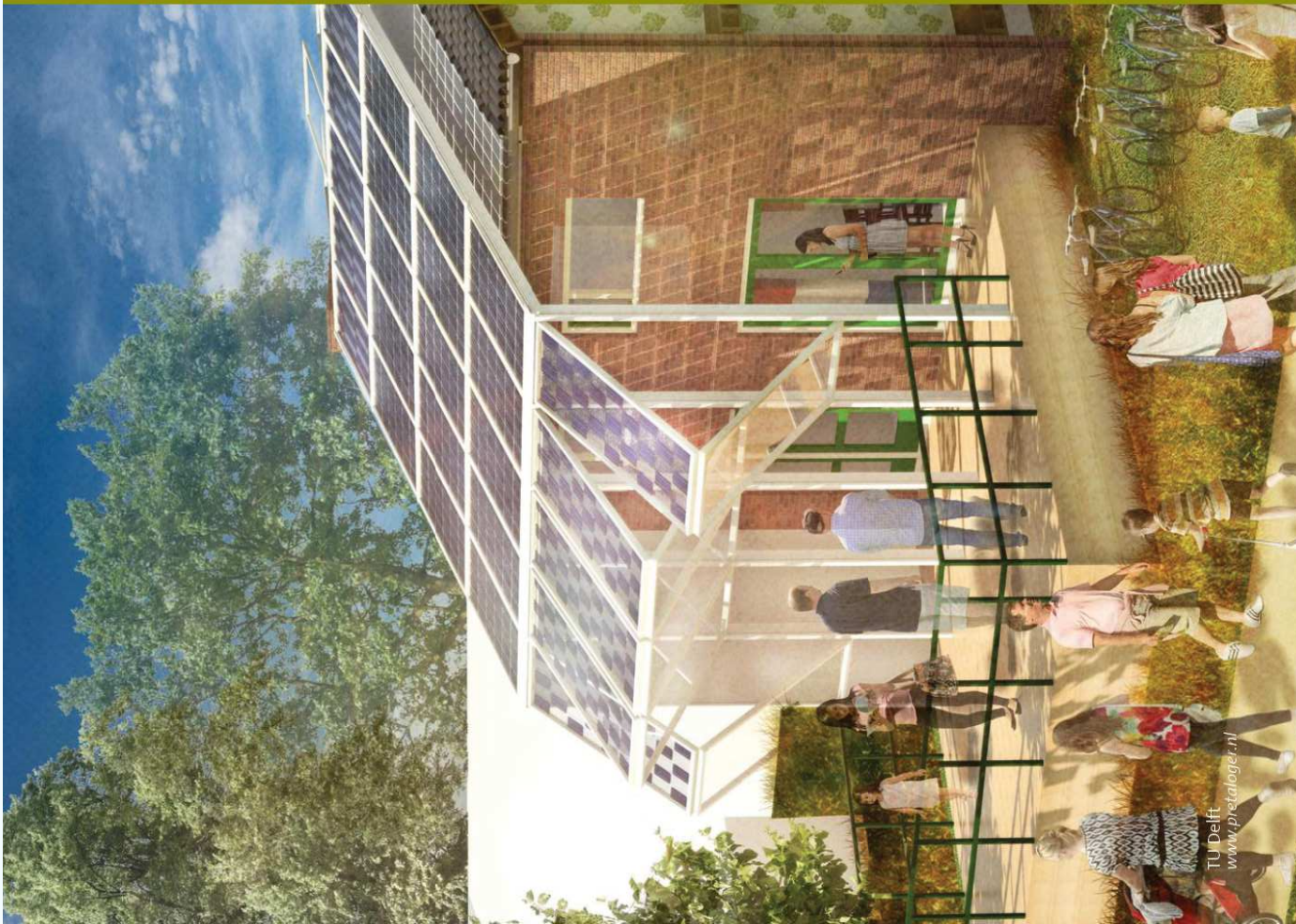
Costs: 1,5% GNP





1. ANDERS WONEN

WONEN ZONDER ENERGIEREKENING



TU Delft
www.pretalogue.nl



6 energieneutrale woningen aan de Wetemanstraat



samen sneller duurzaam



Texel



Houses Energyneutral



Monthly costst do not change

- First 20 houses 35k
- This one 30k:
- Up for next 100
- Financing
- Training people
- Scaling up





2. ANDERS VAN A NAAR B

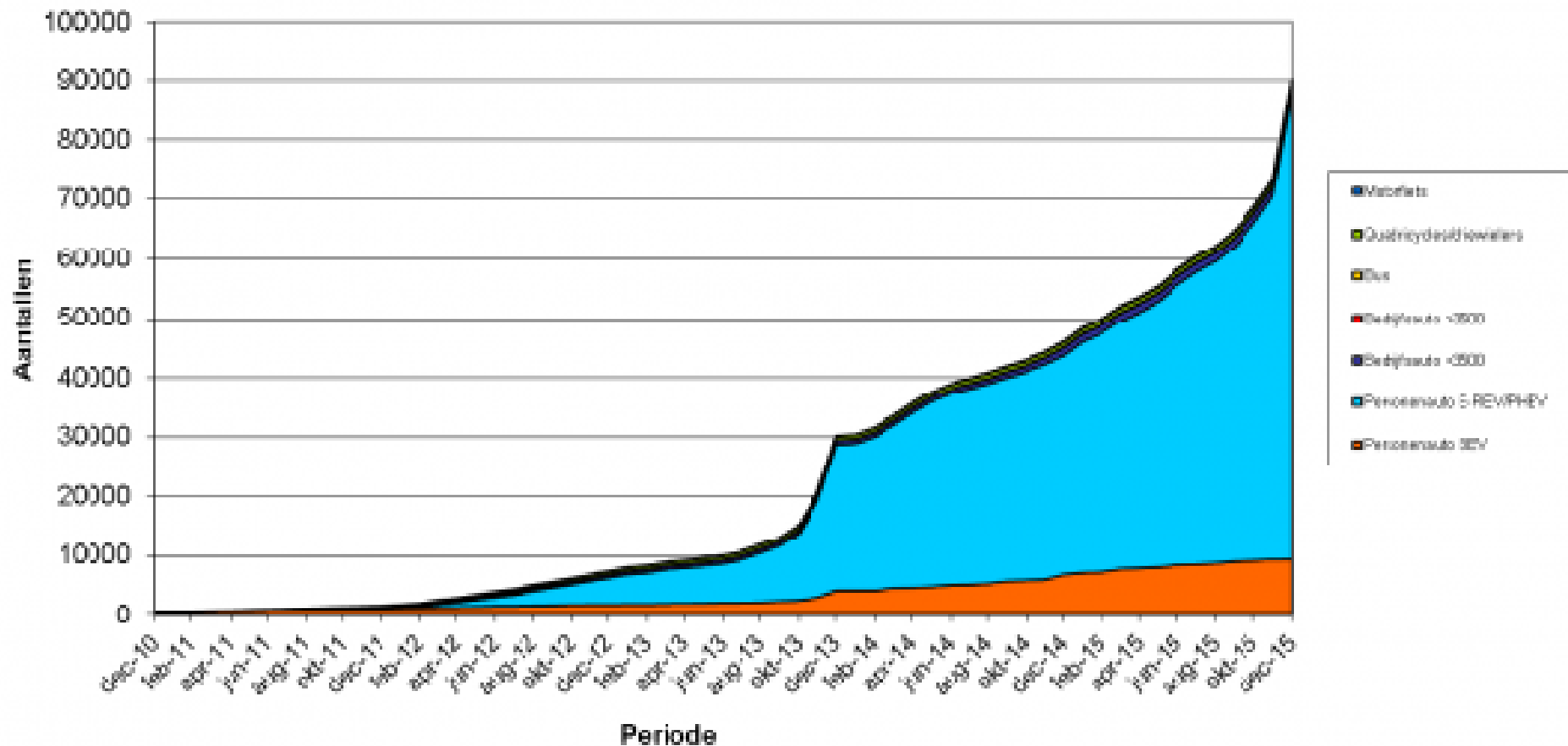
SCHONER, STILLER EN MET MINDER ENERGIE



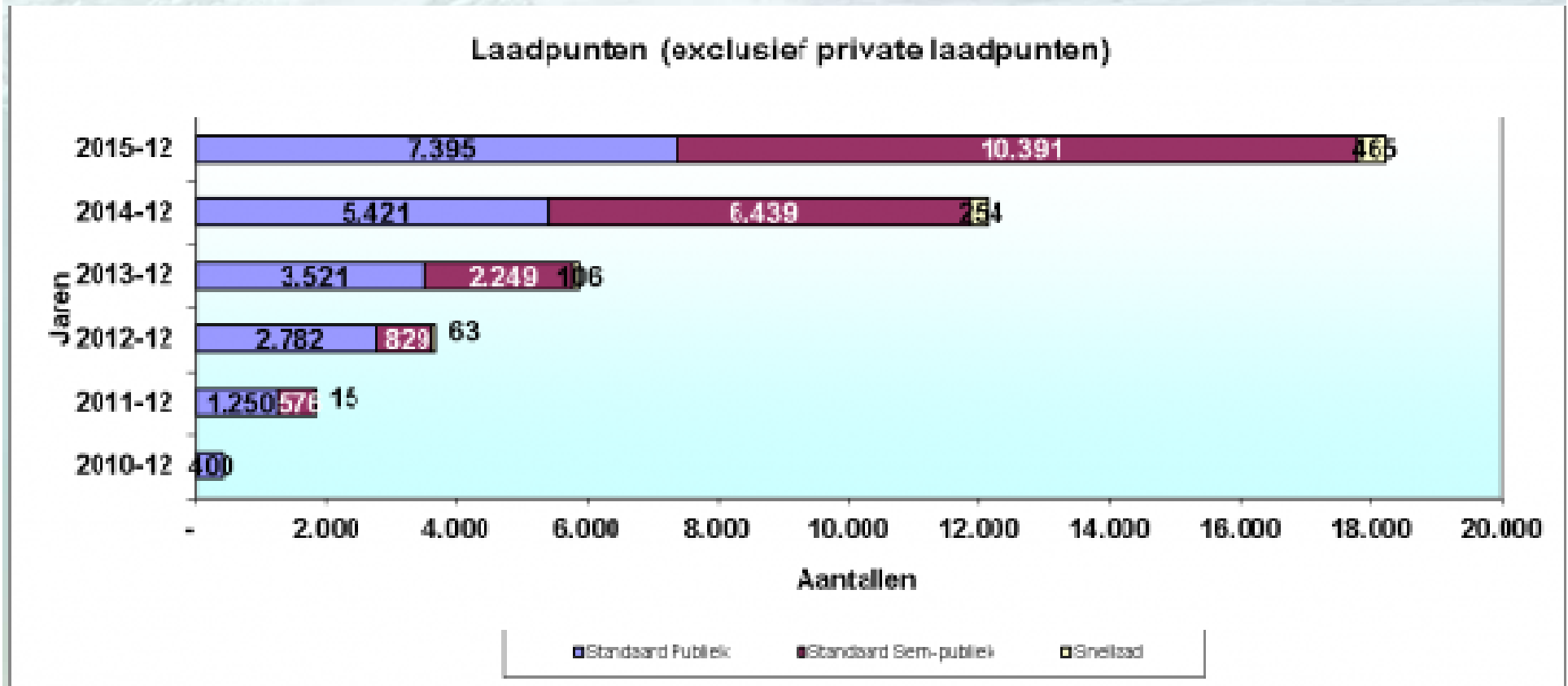
Snelaadstation
www.fastned.nl

Uptake of electric vehicles in NL

Groei curve elektrische voertuigen



Charging points



E-bike - EV – PT – more at home





3. ANDERS ETEN

EEN MEER PLANTAARDIGE,
REGIONALE EN SEIZOENSGEBONDEN
KEUKEN





4. ANDERS PRODUCCEREN

NAAR EEN CIRCULAIRE, BIO-BASED
INDUSTRIE OP DUURZAME ENERGIE



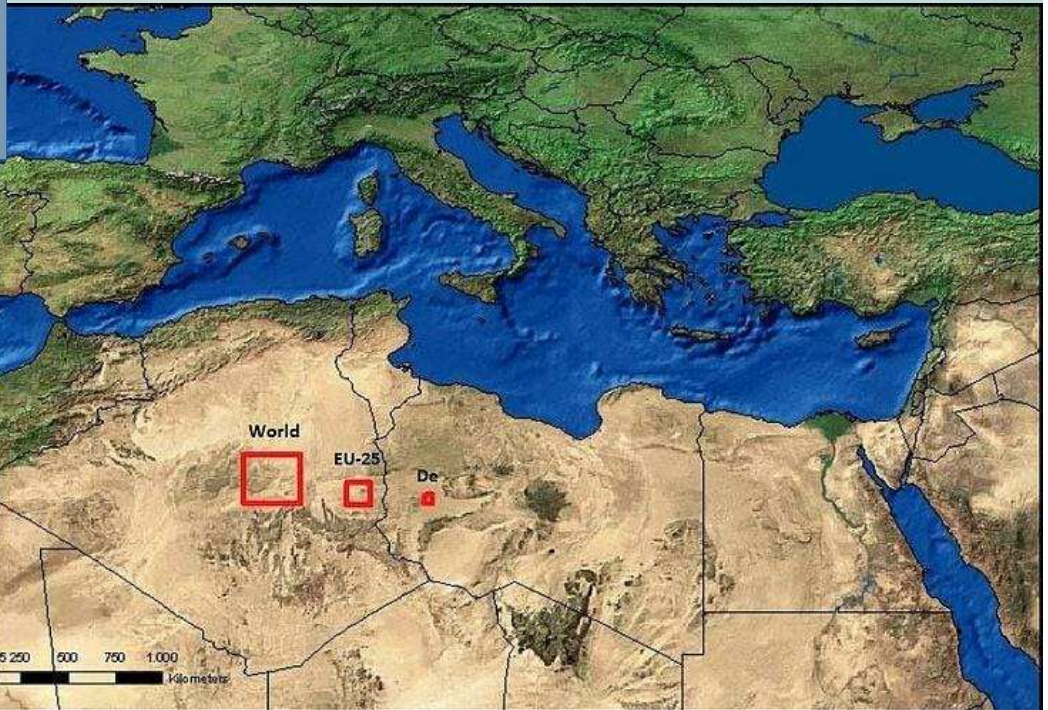


Much wind & sun!

+ geothermal & rest

FACT: THE ONLY THING CRASHING IS THE PRICE OF WIND AND SOLAR ENERGY

THE U.S. HAS MORE THAN DOUBLED ELECTRICITY GENERATION FROM CLEAN, RENEWABLE ENERGY SOURCES SINCE 2010



New strategies & actions

- Start with Urgency!
- Work on solutions 2030 100% sustainable
- Divestment Campaign
- Mass movements
- Dutch Climate Case
- We need everybody; Business – Government – Citizens
- New activist: voter, buyer, entrepreneur and raise your voice!

Divestment – Carbon Bubble

- If we want to stay below 2 C
- Only 1/5 of all proven reserves of fossil fuels can be used
- 4/5 need to stay in the ground
- Means that balance sheet of oil, coal and gascompanies contains many “stranded assets”. The next bubble.
- Stranded assets.....

Divestment Movement (2013)



To achieve a 2 degrees pathway, \$2.2 trillion of planned investments are at risk:

- No new coal mines needed: \$220 bn
- Oil demand to peak in 2020: \$1.4 tn
- Disappointing growth in gas: \$520 bn



Carbon supply cost curves:
Evaluating financial risk to
coal capital expenditures

Carbon supply cost curves:
Evaluating financial risk to
oil capital expenditures



Carbon supply cost curves:
Evaluating financial risk to
gas capital expenditures





Goldman
Sachs

**“A trillion dollars of zombie investments”
in planned future oil projects above \$70**

December 2014



citigroup

**“Citigroup: \$100 trillion dollars of potential
stranded assets in the fossil fuel industry”**

August 2015



New (mass) movements



The Climate Miles



Walk 500km to Paris



National TV & 23 Walkshows



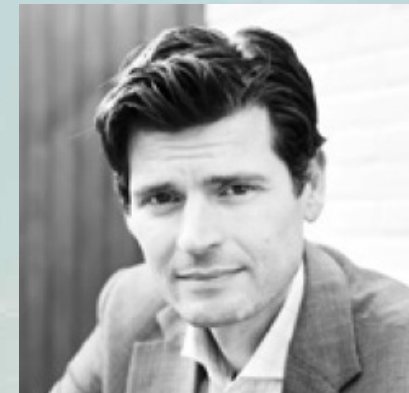
Dutch Climate Case (24 June 2015)



THEY WON!

**LANDMARK COURT RULING ORDERS
DUTCH STATE TO CUT CLIMATE EMISSIONS**

- “Orders the State to reduce it’s emissions by a **minimum of 25%** before 2020 compared to 1990.”

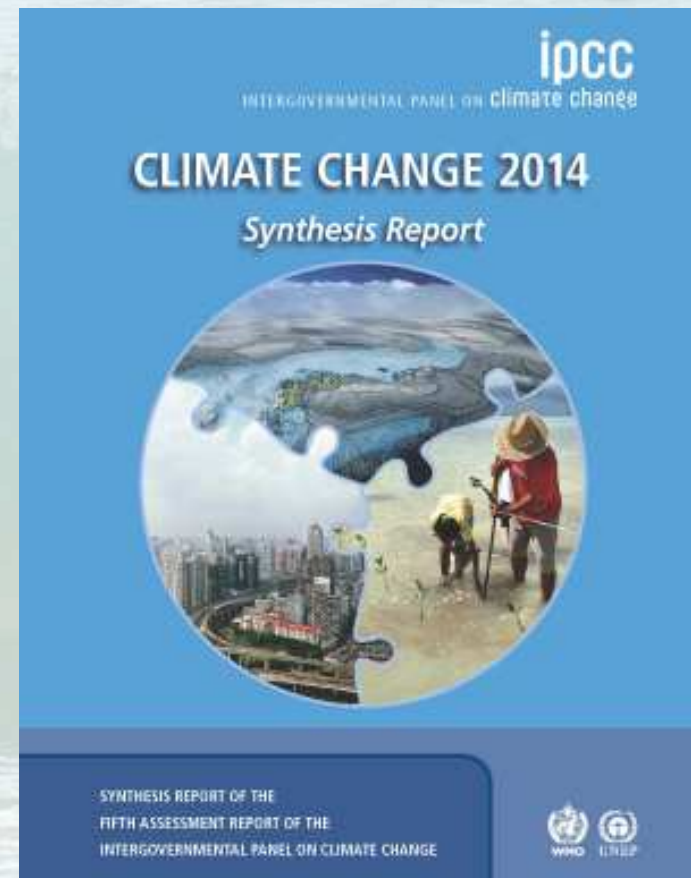


Roger Cox

www.revolutionjustified.org
www.revolutiemetrecht.nl

Legal Status of the IPCC

- *“No court of law could possibly deviate from IPCC findings since any expertise put before the court would never be as inclusive as that inherent in the IPCC.”*



Tort Law

- Reasonable Man Standard
- Open norm of “Legal Duty of Care”
- No existing case law for these facts
- No direct application of international law
- But: Interpretation of Duty of Care in line with International Law & Principles.

Article 2 UNFCCC 1992

“The ultimate objective of this Convention....is to achieve....stabilization of greenhouse gas concentrations in the atmosphere at a level that would **prevent dangerous anthropogenic interference** with the climate system.”



Copenhagen Summit 2009

- “[T]o achieve the ultimate objective of the Convention to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, we shall, recognizing the scientific view that the increase in global temperature should be below **2 degrees Celsius**....enhance our long-term cooperative action to combat climate change...”

Other relevant principles

- Principle of **fairness**
 - Interests of **future generations** should be taken into account when determining current policies (not only the interest of the current generation)
 - Developed countries should take the lead.
- The **precautionary** principle
- The **sustainability** principle

Important findings from the Court

- Climate change is an enormous danger
 - If policy doesn't change, disasters will happen
- The state is responsible to protect its citizens
 - Mitigation is the only solution
- State can not hide behind the fact that it's contribution is minor.

Climate Change is an issue for the courts

- Separation of Powers:
 - However no power is absolute. All are bound by the law.
- Prevention against this danger is a legal question
 - Political controversy does not make a legal question a political question.

What Changed?

- State appealed but started implementing min 25%
- Climate Science no longer disputed
- Majority of parliament for phasing our Coal asap!
- Proposal for a Climate Act: higher targets
- Changed the political debate

Importance after Paris Agreement

- More ambitious target:
 - well below 2C and aiming for 1.5C
- No emission reduction obligations, but voluntary “ratcheting up” system
- No compliance
- Thus far, no increase in ambitions
- Sense of urgency?

First steps

- James Hansen
- Letter to the government
- Brought to Parliament
- Answer government: we agree with the urgency, but we do not want to be frontrunner (.... They are nr 24 on renewables in the EU-25, with 4%...) and we do not want to harm business



Crowd pleading

- Any useful legal information? Let us know!
- Do you want to be a co-plaintiff, either yourself or on behalf of your children?
- Do you think the government needs to act? Let them know!
- November 2013 Summons handed in with large group



April 2015 in court - Hearing



Adventurer, movie maker, DJ, Weather Man and Happy Family!

“Ik wil met zoveel mogelijk mensen laten zien dat klimaatverandering menens is en boven aan iedereen zijn agenda zou moeten staan.”

DORIEN SOONS
VOETPRINTCOOKING®



“I've seen the consequences of climate change with my very own eyes. We need to act fast if we want to prevent even worse things from happening. Through a court order if necessary.”

BERNICE NOTENBOOM
PROFESSIONAL ADVENTURER &
CLIMATE JOURNALIST

Steun de #Klimaatzaak 



“While the climate changes, the government is leaning back. It's time for the court to teach them a lesson.”

GREGOR SALTO
DJ

Steun de #Klimaatzaak 



“Climate change, melting ice caps, floods and forest fires. Nobody has a right to that.”

REINIER VAN DEN BERG
ECOLAND.TV

Steun de #Klimaatzaak 


Steun de #Klimaatzaak





**"THE PEOPLE WHO ARE
CRAZY ENOUGH TO THINK
THEY CAN CHANGE THE
WORLD ARE THE ONES
WHO DO."**



A close-up portrait of Nelson Mandela, an elderly man with grey hair, wearing a grey suit jacket, a white shirt, and a patterned tie. He is looking slightly to the right with a gentle smile. The background behind him is a stylized version of the South African flag, with horizontal stripes of red, green, and blue, and a white diagonal stripe.

**IT ALWAYS SEEMS
IMPOSSIBLE
UNTIL IT'S
DONE**

- Nelson Mandela -