

COP24 FAILED TO AVOID THE SYSTEMIC CONSTRAINTS OF COP21

Posted by Joan Russow

Friday, 27 April 2018 11:58 - Last Updated Sunday, 16 December 2018 11:22

By Joan Russow PhD

Global Compliance Research Project

Friday April 27 2018,



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At COP 21 Ban Ki Moon, in Paris, urged states to negotiate with a global vision not with national vested interests (COP21 press conference)

GLOBAL VISION

A global vision would be:

to address article 2 of the UNFCCC and at a minimum to immediately end all subsidies for fossil fuel, to calculate the carbon budget for each state,

to divest in fossil fuels and to reinvest in renewable energy, to conserve sinks -such as old growth forests and bogs, to strengthen conservation of biodiversity,

to avoid all false solutions such as nuclear, geo-engineering and biofuels which would all violate principles within the UNFCCC, to compensate for historical emissions,

and to institute a fair and just transition for workers affected negatively by the new vision. and to promote nature based solutions and socially equitable

and environmentally sound such as solar, wind, tidal, and geothermal

REDEFINING WHAT CONSTITUTES TRUE SECURITY:

COMMON SECURITY

. “True security exists when all are secure, through common security.” (Olof Palme, 1982) whose objectives could be extended to include but not limited to the following:

(a) To achieve a state of peace, and disarmament; through reallocation of military expenses and delegitimization of war;

(b) To ensure the preservation, conservation and protection of the environment, the respect for the inherent worth of nature beyond human purpose, to reduce the ecological footprint and to move away from the current model of unsustainable and excessive overconsumption

(c) To enable socially equitable and environmentally sound employment, energy and transportation and the right to development,

(d) To promote and fully guarantee respect for human rights including labour rights, civil and political rights, indigenous rights, social and cultural rights – right to food, to housing, to safe drinking water and sanitation , right to education and right to universally accessible not for profit health care system; right to water and sanitation

(e) To fulfill the Sustainable Development Goals.

(f) To respect the international rule of law, its instruments and the jurisdiction and decisions of the international Court of Justice

THERE SHOULD BE LEGAL MEANS FOR IMPLEMENTATION

All states have ratified the UN Framework Convention on Climate Change and incurred an obligation under article 2.

under Article 2 of the UNFCCC, the signatories incurred the following obligation; "stabilization of greenhouse gas concentrations in the atmosphere must be at a level that would prevent dangerous anthropogenic interference with the climate system.

The major fossil fuel states have failed to prevent *dangerous anthropogenic interference with the climate system*

The developing states especially the least developed and low-lying states could take the major fossil fuel states to the international Court of Justice

Or to the ICC and be prosecuted for crimes against humanity, and against the ecosystem and for Criminal negligence

But the US and other fossil fuel states have not ratified the Rome statute, the UN General Assembly could invoke article 22 and set up a tribunal

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COP24 in Katowice must avoid the systemic constraints that undermined COP21

SYSTEMIC CONSTRAIN

TS PREVENTING THE COMMITMENT TO URGENCY

IN COP21 IN THE PREAMBLE IS THE "RECOGNITION THAT CLIMATE CHANGE REPRESENTS AN URGENT AND POTENTIALLY IRREVERSIBLE THREAT TO HUMAN SOCIETY AND THE PLANET" YET THE EXISTENCE OF SYSTEMIC CONSTRAINTS PREVENTED COP21 FROM EMBODYING THIS RECOGNITION

1. THE BEST IS THE ENEMY OF THE GOOD- THE COMPROMISERS CREDO

2 BASELINES TARGETS TIMEFRAMES WERE ALL OUT OF SYNC

3. -EXPEDIENT OMISSION; GLOBAL CARBON BUDGET. HISTORICAL AND PER CAPITA

EMISSIONS

4. THE SHORTNESS OF INSTITUTIONAL MEMORY AND THE UNDERMINING OF LEGAL OBLIGATIONS FROM ARTICLE 2 3 AND 4

5. A SOLUTION SHOULD NEVER BE EQUALLY BAD OR WORSE THAN THE PROBLEM IT IS INTENDED TO SOLVE

6. SOME STATES ARE MORE EQUAL THAN OTHER

7. THE LOWEST COMMON DENOMINATOR; THE TYRANNY OF CONSENSUS

8 THE FAILURE TO REVERSE THE EXEMPTION FOR THE CONTRIBUTION TO GREENHOUSE GAS EMISSION

9. RELUCTANCE TO USE THE INTERNATIONAL COURT AGAINST THE MAJOR EMMITTERS FOR THEY VIOLATIONS OF ARTICLE 2 OF THE UNFCCC

10. IGNORING COMMITMMENT FOR FUNDING SOURCE

FIRST SYSTEMIC CONSTRAINT THE BEST IS THE ENEMY OF THE GOOD

All states should have acted to fulfill SDG 13 and on Ban ki moon's call for negotiating with a global vision

In SDG13 on climate change, addressing climate change is described as urgent; climate change could jeopardize the fulfillment of most of the SDGs. and the key biodiversity areas.

In 1988, at the Changing Atmosphere Conference in Toronto, the participants including representatives from government, academia, NGO and industry expressed their concern about Climate Change in the Conference statement:

“Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequence could be second only to a global nuclear war. the Earth’s atmosphere is being changed at an unprecedented rate by pollutants resulting from human activities, inefficient and wasteful fossil fuel use ... These changes represent a major threat to international security and are already having harmful consequences over many parts of the globe.... it is imperative to act now.

The Conference called for immediate action by governments:

to Reduce CO2 emissions by approximately 20% of 1988 levels by the year 2005 as an initial global goal. Clearly the industrialized nations have a responsibility to lead the way both through their national energy policies and their bilateral multilateral assistance arrangement.

Ban Ki Moon, in Paris, urged states to negotiate with a global vision not with national vested interests (COP 21 press conference)

A global vision would be to address Article 2 and at a minimum to immediately end all subsidies for fossil fuel, to calculate the carbon budget for each state, to divest in fossil fuels and to reinvest in renewable energy, to conserve sinks -such as old growth forests and bogs (not just as a means to offset emissions), to strengthen conservation of biodiversity, to avoid all false solutions such as nuclear, geo-engineering and biofuels which would all violate principles within the UNFCCC, promote nature-based solutions along with solar energy, wind energy, wave and geothermal and to compensate for historical emissions, and to institute a fair and just transition for workers affected negatively by the new vision.

In 2018 the global community is in danger of non-compliance with the purpose of the legally binding United Nations Framework on Climate Change (Article 2)

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..."to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas

concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner

At COP21 Ban ki-moon urged states to negotiate with a global vision not from specific national interests”

What COP21 should have been was a new global vision with legally binding actions to finally implement the binding commitments and adhere to the principles in the legally binding 1992 UN Framework Convention on Climate Change

All the way through the negotiations, governments were talking about their redlines: i.e. we will not agree to a document if x is in the text or if x is not in the text.

There must be no compromise to accommodate the Trump government; instead there must be a strong legally binding document that could be used to sue the US and other non-cooperating fossil fuel states for violation of Article 2 of the legally binding UNFCCC:

stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

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Framework Convention on Climate Change UNFCCC

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there must be no compromise to accommodate the fossil fuel states; instead there must be a strong

legally binding document that could be used to sue the us and other non-cooperating fossil fuel

states for violation of Article 2 of the legally binding UNFCCC

SECOND SYSTEMIC CONSTRAINT

BASELINES TARGETS TIMEFRAMES WERE ALL OUT OF SYNC

At COP21, the proposed "contributions were not only legally binding commitments but also ranged in baselines from

1990 to 2010, from percentages from 20- 30 + % and targets from 1990 to 2030.

A global vision would have been given that the states had failed to return to 1990 levels by the end of

the century in 2000. If only they had returned to 1990 levels by 2000 then now in 2015 given

the urgency and the lost time in 2015 they should have made stronger commitments in 2018 real commitments would be time lines and targets in line with existing and emerging science such as "contributions' 30% below 1990 levels by 2018, 50% below 1990 levels by 2020, 65 %

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below 1990 levels by 2025, 75% below 1990 levels by 2040 and 100% below 1990 emissions by 2050, decarbonization with 100% ecologically sound renewable energy,

THIRD SYSTEMIC CONSTRAINT

;EXPEDIENT OMISSION CARBON BUDGET ETC

Apart from long list of what they are going to do without being compelled to do anything, there were several

expedient omissions in the final document: first there was no mention of fossil fuels- including oil, coal or gas,

historical or per capita emissions and above all there was no mention of the carbon budget and fair shares

of the carbon budget. at the press conference The total carbon budget was a big issue with scientists and NGOS

total carbon budget is estimated at 2900 gigatons from pre-industrial time in order to keep below 2 degrees

and that in 2011 1900 gigatons of co2 had been used up thus about 1000 gigatons remains

at the current rate of 35.7 gt per year, in 2015 there would only remain around 860 gt

IPCC – estimates the total remaining emissions from 2014/2015 to keep global average temperature

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below 2°c (900/ 860gtco2) will be used in around 20 years at current emission rates

http://www.globalcarbonproject.org/carbonbudget/15/files/gcp_budget_2015_v1.pdf

the emission pledges from the us, eu, china, and india leave little room for other countries

to emit in a 2°c emission budget (66% chance) of the 35 giga tons

UNEP indicated that in 2045 all the global carbon budget would be used up if the current annual rate continues of 35.7-40 giga tons the budget not be used up more likely by 2037 will be used up in 20 years 2 degree scenario will be used up in 6 years 1.5 degrees

This is frightening and equally frightening is that it was ignored in the agreement. This evidence is significant for the stress the urgency of having legally binding internationally determined mitigation commitments.

3 Accepting the Intergovernmental Panel on Climate Change (IPCC) scenarios provide us with a global carbon budget that will be consumed in 10–20 years at current emissions levels, 4 and entail very significant levels of risk.

F
OURTH SYSTEMIC CONSTRAINT;

THE SHORTNESS OF INSTITUTIONAL MEMORY AND THE UNDERMINING OF LEGAL

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OBLIGATIONS FROM ARTICLE 2 3 AND 4 of UNFCCC

COP21 suffered from the shifting baseline syndrome; shortness of institutional memory.

A global vision is not just recalling (as was done in COP21) but abiding by Articles 2 3 and 4 in the legally binding

UN Framework Convention on climate change (UNFCCC)

Objective Article 2

COP21 needed to advocate stronger actions than were proposed in the UNFCCC was in 1992.

UNFCCC preamble; historic emissions is the following:

noting that the largest share of historical and current global emissions of greenhouse gases

has originated in developed countries, that per capita emissions in developing countries

are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs,

in COP21 there were no references to historical emissions per capita and there references to decarbonization by 2050 in early versions COP 21 now parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty

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COP21 suffered from the shifting baseline syndrome

Ban ki-moon urged negotiators to negotiate with a global vision; a global vision is not just recalling (as was done in COP21) but abiding by Articles 2 3 and 4 in the legally binding UN Framework Convention on Climate Change (UNFCCC)

UNFCCC objective Article 2:

that the conference of the parties may adopt is to achieve, in accordance with the relevant provisions of the

convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would

prevent dangerous anthropogenic interference with the climate system. such a level should be achieved

within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure

that food production is not threatened and to enable economic development to proceed in a sustainable manner.

In COP21 Article 2a holding the increase in the global average temperature to well below 2 °c above pre-industrial levels

and to pursue efforts to limit the temperature increase to 1.5 °c above pre-industrial levels, recognizing

that this would significantly reduce the risks and impacts of climate change; but at 1 degree rise in temperature there is already de-stabilization of greenhouse gas concentrations in the atmosphere at a level that is causing dangerous anthropogenic interference with the climate system. Stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

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A global vision would be to address Article 2 would be at a minimum to immediately end all subsidies for fossil fuel, to calculate the carbon budget for each state, to enforce fair share of the carbon budget, to divest in fossil fuels and to reinvest in renewable energy, to commit to decarbonisation by 2050, to conserve sinks (not just as a means to offset emissions), to avoid all false solutions such as nuclear, geo-engineering and biofuels which would all violate principles within the UNFCCC and to compensate for historical emissions.

UNFCCC Article 3 principles

In their actions to achieve the objective of the convention and to implement its provisions, the parties

shall be guided, inter alia, by the following:

.UNFCCC Article 3.1. the parties should protect the climate system for the benefit of present and

future generations of humankind, on the basis of equity and in accordance with their common

but differentiated responsibilities and respective capabilities. accordingly, the developed

country parties should take the lead in combating climate change and the adverse effects thereof.

A global vision would have been to respect the commitments under article 4 in UNFCCC

UNFCCC Article 4 commitments

1. All parties, taking into account their common but differentiated responsibilities and their specific national

and regional development priorities, objectives and circumstances, shall:

(a) develop, periodically update, publish and make available to the conference of the parties,

in accordance with article 12, national inventories of anthropogenic emissions by sources and

removals by sinks of all greenhouse gases not controlled by the montreal protocol, using comparable

methodologies to be agreed upon by the conference of the parties;

(b) formulate, implement, publish and regularly update national and, where appropriate, regional

programmes containing measures to mitigate climate change by addressing anthropogenic emissions

by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol,

and measures to facilitate adequate adaptation to climate change;

of technologies, practices and processes that control, reduce or prevent anthropogenic emissions

of greenhouse gases not controlled by the Montreal protocol in all relevant sectors, including the energy,

transport, industry, agriculture, forestry and waste management sectors;

(d) promote sustainable management, and promote and cooperate in the conservation and enhancement,

as appropriate, of sinks and reservoirs of all 11 greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems;

(e) cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate

appropriate and integrated plans for coastal zone management, water resources and agriculture,

and for the protection and rehabilitation of areas, particularly in Africa, affected by drought

and desertification, as well as floods;

(f) take climate change considerations into account, to the extent feasible, in their relevant

social, economic and environmental policies and actions, and employ appropriate methods, for example ;impact assessments, formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;

(g) promote and cooperate in scientific, technological, technical, socio-economic and other research,

systematic observation and development of data archives related to the climate system and intended

to further the understanding and to reduce or eliminate the remaining uncertainties regarding

the causes, effects, magnitude and timing of climate change and the economic and social consequences of

various response strategies;

(h) promote and cooperate in the full, open and prompt exchange of relevant scientific, technological,

technical, socio-economic and legal information related to the climate system and climate change, and

to the economic and social consequences of various response strategies;

(i) promote and cooperate in education, training and public awareness related to climate change and

encourage the widest participation in this process, including that of non-governmental organizations; and

(j) communicate to the conference of the parties information related to implementation, in accordance with Article 12

UNFCCC Article 4 2. the developed country parties and other parties included in annex i commit themselves

Specifically as provided for in the following: 12 (UNFCCC 4.2)

(a) each of these parties shall adopt national policies and take corresponding measures on

the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting

and enhancing its greenhouse gas sinks and reservoirs. these policies and measures will demonstrate

that developed countries are taking the lead in modifying longer-term trends in anthropogenic

emissions

consistent with the objective of the convention, recognizing that the return by the end of the present decade

to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled

by the Montreal protocol would contribute to such modification, and taking into account the

differences in these parties' starting points and approaches, economic structures and resource bases,

the need to maintain strong and sustainable economic growth, available technologies and other individual

circumstances, as well as the need for equitable and appropriate contributions by each of these parties to

the global effort regarding that objective. these parties may implement such policies and measures

jointly with other parties and may assist other parties in contributing to the achievement of the

objective of the convention and, in particular, that of this subparagraph;

UNFCCC Article 4.2

(b) in order to promote progress to this end, each of these parties shall communicate,

within six months of the entry into force of the convention for it and periodically thereafter, and

in accordance with article 12, detailed information on its policies and measures referred to in subparagraph

(a) above, as well as on its resulting projected anthropogenic emissions by sources and removals

by sinks of greenhouse gases not controlled by the Montreal Protocol for the period referred to

in subparagraph (a), with the aim of returning individually or jointly to their 1990 levels

these anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled

by the Montreal Protocol. This information will be reviewed by the conference of the parties, at its first session and periodically thereafter, in accordance with Article 7;

In 1990 average co2 levels (concentrations) in the atmosphere were 320 ppm, thatthe global rise

in temperature from 1850-1990 was 0.78 degrees c and that the annual emissions of co2 in 1990 and

2015 were 22 and 39 gigatonnes respectively

note in 1992 there was no discussion about offsets etc.

so if offsets etc. what percentage reduction below 1990 levels would the contributions have to be to reverse the temperature to ..78 c

UNFCCC Article 4.2

(c) calculations of emissions by sources and removals by sinks of greenhouse gases for the purposes of subparagraph (b) above should take into account the best available scientific knowledge, including of the effective capacity of sinks and the respective contributions of such gases to climate change. the conference of the parties shall consider and agree This includes policies and measures adopted by regional economic integration organizations. 13 on methodologies or these calculations at its first session and review them regularly thereafter;

UNFCCC Article 4.2

(d) The conference of the parties shall, at its first session, review the adequacy of subparagraphs

(a) and (b) above. such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information .based on this review, the conference of the parties shall take appropriate action, which may include the adoption of amendments to the commitments in subparagraphs (a) and (b) above. The conference of the parties, at its First session, shall also take decisions regarding criteria for joint implementation as indicated in subparagraph (a) above. a second review of subparagraphs (a) and (b) shall take place not later than 31

December 1998, and thereafter at regular intervals determined by the conference of the parties, until

the objective of the convention is met;

UNFCCC 4.2

(f) Each of these parties shall : (i) coordinate as appropriate with other such parties, relevant

economic and administrative instruments developed to achieve the objective of the convention; and

(ii) identify and periodically review its own policies and practices which encourage activities that lead to

greater levels of anthropogenic emissions of greenhouse gases not controlled by the Montreal protocol

than would otherwise occur;

UNFCCC 4.2

(f) the conference of the parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in annexes i and ii as may be appropriate, with the approval of the party concerned;

UNFCCC 4.2

(g) any party not included in annex i may, in its instrument of ratification, acceptance, approval or accession, or at any time thereafter, notify the depositary that it intends to be bound by subparagraphs (a) and (b) above. the depositary shall inform the other signatories and parties of any such notification.

UNFCCC 4.3.

The developed country parties and other developed parties included in annex ii shall provide new and

additional financial resources to meet the agreed full costs incurred by 14 developing country parties in complying, with their obligations under article 12, paragraph 1. they shall also provide such financial resources, including, for the transfer of technology, needed by the developing country parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph 1 of this article and that are agreed between a developing country party and the international entity or entities referred to in Article 11, in accordance with that article. the implementation of these commitments shall take into account the need for adequacy and

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predictability in the flow of funds and the importance of appropriate burden sharing among the developed country parties.

UNFCCC Article 4.4. the developed country parties and other developed parties included in annex ii shall also assist the

developing country parties that are particularly vulnerable to the adverse effects of climate change in meeting

costs of adaptation to those adverse effects.

FIFTH SYSTEMIC CONSTRAINT

A SOLUTION SHOULD NEVER BE EQUALLY BAD OR WORSE THAN THE PROBLEM IT IS INTENDED TO SOLVE

Some proposed solutions are false solutions. Such as nuclear
(http://www.huffingtonpost.com/alan-robock/nuclear-energy-is-not-a-solution_b_5305594.html)

Such as geoengineering
(<https://www.scientificamerican.com/article/geoengineering-is-not-a-solution-to-climate-change/>)

BIOFUEL

(<https://www.euractiv.com/section/agriculture-food/opinion/land-grabbing-still-a-huge-problem-in-eastern-europe/>)

<http://www.stopafricalandgrab.com/>

SIXTH SYSTEMIC CONSTRAINT

SOME STATES ARE MORE EQUAL THAN OTHER

All three COPS discounted the evidence of the scientists and ignored the pleas of the developing countries

in COP15, the developed states' negotiators were relying on the 2007 intergovernmental panel on climate change report with data from 2004 and 2005, but the developing states were driven by new and evolving scientific data. Scientific reports at COP 15 revealed new data; the world meteorological organisation reported more rapid global warming, more drought, and more frequent and severe climate related incidents, and that glaciers are melting faster than predicted in 2007 IPCC report.

the UN High Commission on Refugees noted that the world already had millions more refugees than expected,

because of climate change. At an IPCC press conference, a scientist from the IPCC warned that at a 2 degree rise in temperature, the poor, the vulnerable, and the disenfranchised would not survive, at a 1.5 degree rise, they might

in COP24. there must be compensation for historical emissions which have impacted vulnerable states, to avoid all false solutions such as nuclear, geo-engineering and biofuels which would all violate principles within the UNFCCC,

SEVENTH SYSTEMIC CONSTRAINT

THE LOWEST COMMON DENOMINATOR THE TYRANNY OF CONSENSUS

A global vision would have been the striving for consensus with a fallback of 75 % especially within each article

At COP21 until the last versions Article 22; allowed for fallback

Article 22 (voting)

1. each party shall have one vote,

3. without prejudice to the provisions of paragraph 3 of Article 15 of the convention, the parties

shall make every effort to reach agreement on all matters by consensus. if such efforts to reach consensus

have been exhausted and no agreement has been reached, a decision shall, as a last resort, be adopted by

a three-fourths majority vote of the parties present and voting.

4. for the purpose of this article, 'parties present and voting' means parties present and casting an affirmative or negative vote.

in a press conference of the UNFCCC secretariat I suggested that to avoid descending to the lowest common denominator. Perhaps principle 22 could apply to each article. if there had been a fallback to 75% in Article 2 over 80 percent of the states would have agreed to keep the temperature below 1.5 and to have legally binding mitigation states commitments for the major greenhouse gas emitters.

EIGHTH SYSTEMIC CONSTRAINT THE FAILURE TO REVERSE THE EXEMPTION FOR THE CONTRIBUTION TO GREENHOUSE GAS EMISSIONS TO END THE EXEMPTION OF THE CONTRIBUTION OF MILITARISM TO GREENHOUSE GAS EMISSIONS

It appears that the United States insisted on the inclusion of this exemption at the time of the Kyoto Protocol

http://www.earthisland.org/journal/index.php/elist/eListRead/the_pentagons_hidden_impact_on_climate_change/

MILITARISM: THE ELEPHANT IN THE ROOM. DPI/NGO CLIMATE CHANGE CONFERENCE AT THE UNITED NATIONS

Excerpts from the September 7, 2007 Declaration, prepared by the NGO military nuclear matters and the NGO Peace Caucus was presented to the Chair, Rajendra K. Pachauri, of the Intergovernmental Panel on Climate Change.

We call upon the Intergovernmental Panel on Climate Change to investigate and estimate the full impact on greenhouse gas emissions by the military and demand that

each state release information related to the greenhouse gas emissions from the production of all weapons systems, military exercises, from war games, weapons testing, military aviation, environmental warfare, troop transfer, military operations, waste generation, reconstruction after acts of violent interventions etc.;

We support the call for the disbanding of NATO, whose collective activities have contributed to not only the perpetuation of the scourge of war and the violation of international peremptory norms, but also the substantial release of greenhouse gas emissions:

(ii) call upon the member states of the United Nations to act on the commitment in Chapter 33 of

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Agenda 21, to reallocate military expenses;

(iii) call upon the United Nations General Assembly UNGA to acknowledge the inextricable link between climate change and conflict over resources such as oil, water etc.;

(v) call upon the Intergovernmental Panel on Climate Change to investigate and estimate the full impact on greenhouse gas emissions by the military. and demand that each state release information related to the greenhouse gas emissions from the production of all weapons systems, military exercises, from war games, weapons

testing, military aviation, environmental warfare, troop transfer, military operations, waste generation, reconstruction after acts of violent interventions etc.;

(vi) support the call for the disbanding of NATO, whose collective activities have contributed to not only the perpetuation of the scourge of war and the violation of international peremptory norms, but also the substantial release of greenhouse gas emissions.

CURRENT ESTIMATION OF GLOBAL MILITARY BUDGETS

At COP16,"According to Dr. Joan Russow, of Global Compliance Research Project, "The US military operates in the shadows of climate negotiations, having demanded that their emissions be exempted from scrutiny or regulation. This absolutely cannot continue: the climate crisis has reached the point where all of life – now and for future generations – is threatened. We cannot just ignore the largest polluter on earth, fight more wars over access to oil, and continue to feed this vicious cycle!" Ironically, even the Pentagon recognizes that climate change is a "threat multiplier", that will result in mass migrations, and far more wars and conflicts, threatening US "national security". But their response is more of the same: build up fortress America, and run the military on liquefied coal and biofuels to reduce reliance on foreign oil. Their total disregard for human rights around the world is apparently from

a 2003 Pentagon report, which calculated dispassionately: "Deaths from war as well as starvation and disease will decrease population size, which overtime, will re-balance with carrying capacity."

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(http://pejnews.com/index.php?option=com_content&view=article&id=9919:militarisms-contribution-to-greenhouse-gas-emissions&catid=86:i-earth-news&Itemid=210)

At COP 21, Ban ki-Moon urged states to negotiate with a "global vision" not with national vested interests. (A paraphrase of his statement at a COP21 press conference)

There is an unclear relationship between the UNFCCC and what came out of Paris. Unless the voluntary contributions become revised and firm commitments, made to address the global carbon budget and to keep well below 1.5 degrees, the Paris Agreement will undermine

Article 2 of the UNFCCC, (stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic with the climate system)

A global vision to implement Article 2 would be, at a minimum, to immediately end all subsidies for fossil fuel, (no tar sands, no pipelines and no tankers) to divest in fossil fuels, and reinvest in socially equitable and environmentally sound renewable energy, to not use "transition"

to justify reinvestment in the continuation of the fossil fuel industry, to calculate the carbon budget for each province, to enforce fair share of the carbon budget, To commit to 25% reduction of GHGs emissions below 1990 levels by 2020, 35% below 1990 by 2025, 50% below 1990 by 2030, 60 % below 1990 by 2035. 75% below 1990 by 2040 to 100 % below 1990 by 2050 to decarbonisation by 2050, and 100% socially equitable and

environmentally sound renewables.

To compensate for historical emissions which have impacted vulnerable states, to avoid all false solutions such as nuclear, geo-engineering and biofuels which would all violate principles within the UNFCCC,

Legal Remedy

Once there is a legally binding agreement, then the delinquent states should be taken to the International Court of Justice for failing to discharge the obligations under the UNFCCC.

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In addition, major greenhouse gas-producing states must be forced to implement the actions that would discharge the obligations incurred when they signed and ratified the UNFCCC (provisions of the UNFCCC have become international peremptory norms and as such are binding) and other legal obligations and be forced to repay the emission debt. Historic emissions should be calculated and an assessment made of the degree of dereliction of duty in the implementation of the UNFCCC. From these assessments, provisions must be made to compensate the states that have been most damaged by the failure, of the major greenhouse gas emitting states, to discharge obligations under the Convention. In such cases, a fund should be set up to assist vulnerable states in taking delinquent states to the International Court of Justice, including the Chamber on Environmental Matters (<http://www.icjci.org/presscom/index.php?pr=106&p1=6&p2=1&search=%22%22CompositionoftheChamberforEnvironmentalMatters>).

There should be a campaign to have all states respect the jurisdiction and decisions of the International Court of Justice.

NINTH SYSTEMIC CONSTRAINT:

RELUCTANCE TO USE THE INTERNATIONAL COURT AGAINST THE MAJOR EMMITTERS FOR THEIR VIOLATIONS OF ARTICLE 2 OF THE UNFCCC

Legal Remedy Once there is a legally binding agreement, then the delinquent states should be taken to the International Court of Justice for failing to discharge the obligations under the UNFCCC.

In addition, major greenhouse gas-producing states must be forced to implement the actions that would discharge the obligations incurred when they signed and ratified the UNFCCC (provisions of the UNFCCC have become international peremptory norms and as such are binding) and other legal obligations and be forced to repay the emission debt. Historic emissions should be calculated and an assessment made of the degree of dereliction of duty in the implementation of the UNFCCC. From these assessments, provisions must be made to compensate the states that have been most damaged by the failure, of the major greenhouse gas emitting states, to discharge obligations under the Convention. 7

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(<http://www.icjci.org/presscom/index.php?pr=106&p1=6&p2=1&search=%22%22>)

Composition of the Chamber for Environmental Matters

TENTH SYSTEMIC CONSTRAINT.IGNORING COMMITMENT FOR FUNDING SOURCE

Forty years ago in 1976, all member states affirmed:

The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries (II, 12 Habitat 1)

and At UNCED , all states made the commitment: “The funds should be transferred to implementing the above To institute fair and just transition for workers and communities affected by the above”.

In conclusion. If these systemic constraints are avoided, hopefully, COP24 will finally address the urgency of climate change and there will be a legally binding agreement supported in each article by at least 75% vote, Then the states which have agreed to the strong legally binding document to implement the UNFCCC could take the rogue states to the international Court of Justice for violating Article 2 of the UNFCCC

From the 2010 Cochamba Conference - Speech by Nnimmo Bassey at the Opening Ceremony of the conference

Nnimmo Bassey represented Friends of the Earth and Africa at the Conference. After his opening remarks

He recited the following poem. I will not dance to your beat (a poem by Nnimmo Bassey)

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I will not dance to your beat

I will not dance to your beat

If you call plantations forests

I will not sing with you

If you privatise my water

I will confront you with my fists

If climate change means death to me but business to you

I will expose your evil greed

If you don't leave crude oil in the soil

Coal in the hole and tar sands in the land

I will confront and denounce you

If you insist on carbon offsetting and other do-nothing false solutions

I will make you see red

If you keep talking of REDD and push forest communities away from their land

I will drag you to the Climate Tribunal

If you pile up ecological debt

& refuse to pay your climate debt

•

I will make you drink your own medicine

•

If you endorse genetically modified crops

•

And throw dust into the skies to mask the sun

•

I will not dance to your beat

•

Unless we walk the sustainable path

•

And accept real solutions & respect Mother Earth

•

Unless you do

•

I will not &

•

We will not dance to your beat

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- Cochabamba/Tiquipaya

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- 20 April 2010