

SUBMISSION TO THE CANCUN CONFERENCE ON CLIMATE CHANGE

Written by Joan Russow

Tuesday, 23 September 2014 08:52 - Last Updated Sunday, 10 March 2019 10:34

November 17th, 2010

CLIMATE CHANGE CANCUN: TIME TO BE BOLD, NOVEMBER 2010

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November 17th, 2010

ORIGINAL AUGUST 2010

CLIMATE CHANGE CANCUN: TIME TO BE BOLD, NOVEMBER 2010

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DEMANDING ACTION IN CANCUN AND LEGAL ACTION THEREAFTER SHOULD NO ADEQUATE

Original: December 2007, www.climatechangeopenings.com Statement to COP15 Copenhagen, <http://www.climatechangeopenings.com>

[//timetobebold.wordpress.com/](http://timetobebold.wordpress.com/)

The time for procrastination about climate change has long since passed; the world is in a state of emergency.

At Cancun states must agree to base the COP16 on the UNFCCC and on credible emerging science.

Because of the global urgency, there must be the political will to return earth's temperature to pre-industrial levels.

KEY MESSAGE

DEMANDING ACTION IN CANCUN AND LEGAL ACTION THEREAFTER SHOULD NO ADEQ

The time for procrastination about climate change has long since passed; the world is in a state

At Cancun states must agree to base the COP16 on the UNFCCC and on credible emerging a

Targets and Timeframes

Because of the global urgency, there must be the political will to return earth's temperature to its natural

The goal of COP 16 must be to return temperatures to pre-industrial levels and return atmosph

To succeed in being below the dangerous 1 °C, member states of the United Nations must con

The right to development must be fulfilled so as to equitably meet developmental and environm

The credible current emerging science has indicated that the global climate crisis is much more

The emissions reduction required to avoid dangerous climate change and the small timeframes

Criminal Effects of Climate Change

The Global Humanitarian Forum Climate Change Human Impact report that summarised data i

Please see diagram 1

Science

A paper published in Nature (no. 458) on the 30 April 2009 which is the up to date current scie

Legal Remedy

THAT in addition to a <http://www.icej.org/cases/com/index.php?post=1068-1-58-2-1&se> arch=%22%22Composition

<http://www.icej.org/cases/com/index.php?post=1068-1-58-2-1&se>

of the Chamber for Environmental Matters

Funding

Industrialized states and major greenhouse gas producers must be prepared to enter into bindi

These funding measures could only just begin to for the emissions debt owed, by the develop

Militarism

The IPCC and COP have not separately calculated the impact of militarism on greenhouse gas

Vested Interests and need for majority decision making at COP 16

The entrenched immovable national interests have served to block serious legally binding instr

THAT All NGOS, including industry front group participating at the UN Conferences, including

CSD

The Commission on Sustainable Development, in light of the failure in negotiations of CSD15 r

be reached this year.

OVERVIEW

At CANCUN STATES MUST AGREE TO BASE THE UNFCCC OBLIGATIONS ON SCIENCE AND ON

The time for procrastination about climate change has long since passed; the world is in a state

Years of unheeded warnings

The time for procrastination about climate change has long since passed; the world is in a state

;While the threat of climate change has been obvious to most scientists for five decades, the in

It must be acknowledged that the major contribution to the causing and the exacerbating of clim

Member states of the United Nations have been warned about climate change, and have been

Solutions for the state of emergency depend upon the political will and on the discharging of th

As far back as 1958, scientists began to acknowledge the potential threat of climate change. T

In 1988, however, scientists, politicians and members of Non-Governmental Organizations (NGO

“Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ult

In the Conference Statement from the 1988 Conference, the participants – scientists, governm

“The stabilizing of the atmospheric concentrations of CO₂ is an imperative goal. Energy resear

In view of this important and accurate statement made at this major international conference, th

In 2009, the World Health Organization (WHO) issued a report on the impacts of climate chang

“.Climate change could kill 250,000 children next year, and the figure could rise to more than 4

Actions or inactions which will knowingly cause deaths in numbers over 10 million must be trea

By failing to agree to legally binding enforceable protocols and to thus enact effective legislatio

(i) the resources required for the reduction of greenhouse gas emissions and for the conservat

If, in Cancun, States exhibit dereliction of duty: (i) in continuing to fail to discharge their legal ob

Failing to institute mandatory emissions reductions and time lines and targets to discharge obli

Refusing to agree to emissions reductions and time lines

Under Article 2 of the UNFCCC, states incurred the following obligation:

"stabilization of greenhouse gas concentrations in the atmosphere must be at a level that would prevent dangerous anthropogenic climate change
In 1992, This obligation clearly affirmed the urgency of addressing climate change
Because of the global urgency, and legal obligations there must be the political will to achieve
To return the earth's temperature to its natural state, that equates to 0 °C above pre-industrial
To impose strict time frames so that overall global emissions will begin to be reversed as of 20

Removal of CO2 to return the atmosphere to 278ppm
Only if the CO2 levels are not beyond 278 ppm will the rise in temperature be maintained below
Emission reductions should be based on global caps for emissions of GHG and must follow a s
Refusing to agree to Targets

The targets must be based on the current and emerging science and be calculated as being a

To achieve these massive emissions reductions, an interdisciplinary committee of scientists, e

This process would assist in determining how individual country limits should be set.

The emissions reduction required to avoid dangerous climate change and the small timeframes

Once the individual country limits are assigned, the funding required to achieve this must be al

Failing to achieve key objectives

*To recognize that the complexity and interdependence of issues inherent are inextricably linke
Please see diagram 2

*To abide by Rio Principles: "the precautionary principle, the common and differentiate respons
To implement the objective of the UNFCCC to reduce greenhouse gas emissions and conserv

To respect the rule of international law and to act through the establishment of legal enforceme
Committing errors at COP15 in Copenhagen

Because of the global urgency, the mistakes of Copenhagen must not be repeated. In Copenh

Because of the false time lines and inadequate percentages of emissions reductions and beca

Still ignoring the urgency

Still failing to commit agree to commit to mandatory emission reductions

Because of the global urgency, and legal obligations there must be the political will to achieve
To return the earth's temperature to its natural state, that equates to 0 °C above pre-industrial
To impose strict time frames so that overall global emissions will begin to be reversed as of 20

Overriding the majority of the developing states

- A flawed decision making process

At COP15 2010, on December 17th and 18th, heads of states were making presentations to th

On December 7th, Papua New Guinea had proposed that, rather than descend to the lowest c

If one counts the G77 representing 130 developing states along with some low-lying states or s

It should be noted that the UN Framework Convention on Climate Change was adopted in 199

If there had been a strong legally binding Copenhagen Protocol, then citizens from major green

Hopefully the international Climate Justice Tribunal, which was proposed in the Peoples Agree

Discounting emerging science

At COP15, The dominant developed states ignored not only the developing states but also the emerging

At COP15, There were important press Conferences on significant emerging data from interna

The 2007 report itself states that” between climate and biogeochemical cycles. The areas of so

The 2007 IPCC Report presented a gradual and smooth increase in scale and severity of impa

At a COP15 press conference, a representative from the IPCC stated that at a 2 degree rise ab

Disregarding research on tipping points

Please see diagram 3

Discounting International institutional reports

At COP15, as well, at press conferences, reports were released (i) from the UN High Commission on Re

At COP 15 the call for the Intergovernmental Panel on Climate Change (IPCC) to rectify the fac

Undermining of process, by major NGOS, of progressive states

In addition, at COP15, there were many big international NGOS which ignored the pleas of the

The Kyoto Plus petition also called for limitation of the maximum CO2 emission on an extent w

Compromising by NGOs, on targets and percentages of greenhouse gas emissions

Kyoto Plus Petition called for a completely inadequate and negligent proposal which set a natio

Seal the Deal. <http://www.sealthedeal2009.org/petition> involving NGOs from Canada and th

The NGO tcktcktck.org, and their 250 partners asked, without even mentioning a baseline, for

Climate Action Network CAN stated: We , as citizens of industrialized states, demand our lea

In addition, at COP 15, many NGOs were asking for 40% below 1990 levels reduction in carbo

These proposals were completely inadequate and could result in a temperature increase, in v

In addition, in Copenhagen, often the media ignored the press conferences on science and ins

Defying all perception of democratic decision making

At COP 15, the dominant Greenhouse gas producing states ignored all the emerging data and

Now in in Cancun there is an opportunity to enter into a legally binding protocol consistent with
Leading towards Cancun

Now in the lead up to COP 16 Cancun Climate Change 2010 talks, many big NGOs are also

In Cancun, the time for vested state interest and NGO compromising must end and a firm com

In Cancun, rather than descending to the lowest common denominator approach to setting clim

It is possible that a majority of the member states could agree to a strong legally binding "Canc

In Cancun COP16 States must support the demands contained in the April 22, 2010 People's A

PREAMBLE

(i) Failing to commit to emissions reductions and time frames

NOTING WITH DEEP CONCERN THAT States of vested self-interest refuse to commit to the emission redu

CONVINCED THAT there must be the political will to undertake immediate action to return earth's te

(ii) Failing to discharge UNFCCC obligations

HAVING ADOPTED the United Nations Framework Convention on Climate change in 1992 by a 79%

CONVINCED THAT the Kyoto Protocol with the prominent market-based scheme resulted in delaying

BEARING IN MIND THAT the objective of the UNFCCC was to reduce greenhouse gas emissions and con

DEEPLY CONCERNED THAT Emerging science affirms that this dangerous level equates to a temperature bel

RECALLING THAT under the UNFCCC, the signatories of the Convention were bound to invoke the

“Where there are threats of serious or irreversible damage, lack of full scientific certainty should

This obligation to invoke the precautionary principle complemented the broader Rio Principle:

” Where there is the threat of serious or irreversible damage, lack of full scientific certainty should

ALARMED THAT rather than interpreting “measures” to involve “prevention” (as was the case in the

DEEPLY DISTURBED THAT states are moving away from the imperative to prevent climate change to

CONCERNED THAT often states are moving away from the imperative to prevent climate change to

RECALLING THAT obligations were incurred in the Framework Convention on Climate Change “to p

RECALLING that the signatories of the Convention on Natural and Cultural Heritage (UNCN

AFFIRMING THAT the fundamental principle of intergenerational equity includes the rights of future

DEEPLY DISTURBED THAT industrialized states have defied principle 7 of the 1992 Rio Declaration which w

“States shall cooperate in a spirit of global partnership to conserve, protect and restore the hea

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AWARE THAT the common and differentiated principle and the principle of intergenerational equity

“The Parties should protect the climate system for the benefit of present and future Generations

AWARE THAT States had agreed to take into consideration “The specific needs and special circumstances

DEPLORING the fact that most states signatories of the UNFCCC have failed to live up to the

(iii) Dismissing the state of emergency

CONCERNED THAT there are entrenched immovable national interests that will serve to dismiss the

DEEPLY CONCERNED that the paper published in Nature (no. 458) on the 30 April 2009 which is the up

FURTHER ALARMED THAT between 2000 and 2010 we have used 363GT CO₂ or 41% of the total budget

ALARMED ABOUT the data from a recent paper by Turney and Jones (Does the Agulhas Current a

DEEPLY CONVINCED that based on these facts it is clear that an agreement must be reached this year

DEEPLY CONCERNED AS WELL THAT that less than a further 360GT of CO₂ in the next 40 years c

AWARE THAT THE ABOVE current scientific understanding demands an immediate and all out agreement a

AND AWARE of other feedback mechanisms and tipping points such as a loss of albedo and

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DEEPLY DISTURBED THAT changes in world climate **AND THAT** have serious impacts on human health and impact on

AWARE OF The World Health Organisation findings that estimated, in its “World Health Rep

DEEPLY ALARMED that the Global Humanitarian Forum Climate Change Human Impact report that

DEPLORING THAT there has not been a formal acknowledgement, from IPCC scientists submitted t

(iv) Disregarding of peremptory norms

KEEPING IN MIND THAT under Article 53 of the Convention on the Law of Treaties “Treaties conflicting w

“A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general in

To be designated as a “Peremptory norm “the norm must be accepted and recognized as a pe

NOTING FURTHER THAT peremptory norms can be drawn from Conventions, Covenants and Treaties, wh

RECOGNIZING THAT these norms are derived from instruments that guarantee human rights including

DEEPLY DISTURBED ABOUT potential impacts of climate change on the world’s children who are not able

NOTING THAT the transboundary principle has become a peremptory norm

The Transboundary principle has been found in different forms in the following international instruments:

(a) 1972 in the UNCHE in Stockholm; Principle 21

States have, in accordance with the Charter of the United Nations and the principles of international law,

(b) 1992 Convention on the Law of Seas

“states shall take all measures necessary to ensure that activities under their jurisdiction or control shall not cause transboundary harm to other states.”

(c) 1992 Rio Declaration

Principle 2 States have, in accordance with the Charter of the United Nations and the principles of international law,

(d) 1992 Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

(e) 1994 Convention on the Environmental Impact assessment in a transboundary Context.

Mindful of the need and importance to develop anticipatory policies and of preventing, mitigating and addressing transboundary impacts,

CONCURRING THAT the essence of the transboundary principle could be applied in some way to support the following:

(v) *Omitting or minimising important considerations in the UNFCCC processes*

water

RECOGNISING , the vital role of water as a contributor to and as a consequence of climate change

REGRETTING THAT the 1992 commitment to freshwater protection is being abandoned;

“Freshwater is a unitary resource. Long-term development of global freshwater requires holistic

Biodiversity

DISMAYED THAT biodiversity has been ignored in the analysis of impact from climate change

THAT “In-situ conservation” means the conservation of ecosystems and natural habitats

RECALLING the obligation to take action where necessary for the conservation of biological diversity

RECOGNIZING the close and traditional dependence of many indigenous and local communities

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices

AWARE of the following obligation in the Convention on Biological Diversity

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices

MINDFUL THAT The loss of biological diversity may reduce the resilience of ecosystems to climate change.

DEEPLY CONCERNED THAT the importance of Traditional Knowledge and practices in developing strategies for climate change adaptation.

Human Rights

NOTING WITH DEEP CONCERN THAT the process has disregarded the fact that “climate change poses an immediate and grave threat to human rights.”

BEARING IN MIND THAT the United Nations formed Human Rights Council panel has emphasized that a successful outcome of climate change negotiations matters for human rights.

“As you engage in those negotiations, you must bear in mind the grave human rights consequences of climate change.”

(www.ohchr.org)

“A successful outcome of ongoing climate change negotiations matters for human rights. A new agreement must take into account the human rights impacts of climate change.”

“Climate change is related not only to environmental factors but also to poverty, discrimination and social justice.”

Women’s Rights

DEPLORING THAT Continuing environmental degradation that affects all human lives often has a disproportionate impact on women and girls.

Food Security

CONCERNED THAT the impact of climate change on hunger and food security has not been discussed

“Time is short. Urgent and sustained action is vital. The conference, therefore, calls upon all pe

REGRETTING THAT the impact of climate change land use has not been addressed sufficiently at the

“Inappropriate and uncontrolled land uses are a major cause of degradation and depletion of la

Soil fertility

AND THAT

“Land degradation is the most important environmental problem affecting extensive areas of la

Vegetable protein

ALARMED THAT the contribution to greenhouse gas emissions resulting from the dependency on

RECALLING THAT at the DPINGO 2007 Conference on Climate Change DR Pachauri, Chair of the

(vi) Eroding of the Commission on Sustainable Development

CONCERNED THA the mandate of the Commission on Sustainable Development has been eroded.

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NOTING THAT the General Assembly Resolution A/RES/47/191 states that the Commission on

DISMAYED THAT the CSD failed in this role in its current format as shown by the failure of negotia

DISMAYED THAT government and non-governmental organisations have embraced the backward

DISMAYED THAT since its conception in 1992, changes in how CSD functions have progressively a

CONCERNED THAT at CSD 11 (UN E/2003/29, E/CN.17/2003/6) it was decided that in order to fulfill

MINDFUL THAT this two-year rotation process has not worked because urgent issues wait for lon

(vii) Failing to address emerging and current science and tipping points

ALARMED THAT the 2007 IPCC report will still be the basis of the negotiations in 2010 and 2011.

Updated Report or Reliance on out-dated IPCC Report

The last Intergovernmental Panel on Climate Change's report is from 2007 IPCC Report that w

DEEPLY CONCERNED THAT 2007 report itself states that " between climate and biogeochemical cycles. T

DEEPLY CONCERNED THAT 2007 IPCC Report presented a gradual and smooth increase in scale and se

Source: Major Tipping points in the Earth's Climate System and Consequences for the Insurance Industry

DEEPLY CONCERNED that the tendency for the science of climate change is to suggest a worsening scenario

Major changes from the 2001 to 2009 assessment are:

“substantial or severe risks” of extreme weather events at temperature at 1.5 degrees above pre-industrial

“Moderately significant” – risks of “large-scale discontinuities” below 2 degrees are now present

Please see diagram 3

This tendency is alarming

EQUALLY ALARMED THAT the new IPCC report will not be released until 2014 not only after the COP16 in Cancun

EQUALLY ALARMED THAT the 2007 IPCC report states that the effects of increasing atmospheric CO2 on land and oceans

FULLY AWARE THAT scientists now know with total confidence that any global warming target above 1.5C

DEEPLY DISTURBED ALONG WITH WHO suggest that those historical Emissions have already committed the world to 1.5C

Source: Major Tipping points in the Earth's Climate System and Consequences for the Insurance Industry

AWARE THAT negotiation process for the international law on climate change has been under

RECOGNIZING THAT this has led to the adoption and justification of international agreements that are

Today's warming is projected to double by today's atmospheric greenhouse gas concentrations.

(viii) Continuing the UNFCCC negotiating processes and other UN processes which impede ch

UNFCCC negotiating processes

MINDFUL THAT Article 18 of the Charter of the United Nations reads: "Decisions of the General A

NOTING THAT the UNFCCC adopted by 150 of the then 188 members of the United Nations

RECALLING THAT Papua New Guinea had proposed that at Copenhagen, states should not desce

RECALLING THAT under article 2 of the Montreal Protocol, it is stated that "the Parties shall make e

DEEPLY DISTURBED THAT politicians in developed countries "receive political donations" from the mil

EQUALLY DISTURBED THAT developed nations exercise economic and political leverage on developing state

EQUALLY DISTURBED THAT build up to the COP Cancun Climate Change 2010 talks and last year for

DEEPLY DISTURBED THAT Tck and its 250 partners continue to support the following inadequate and

The Official Campaign Asks: We want our political leaders to be in Copenhagen and to show h

- Reduce developed country emissions by at least 40% by 2020.

The statement is a complete contradiction in terms and misleading since the demand of 40% b

NOTE: It appears that on Monday, November 30, 2009, a U.S. federal trademark registration w

ASTONISHED THAT wh the Climate Action Network (CAN) bestows well deserved “fossil” awards on

NOTING WITH REGRET THAT the practice of and **AND THAT** at the United Nations, there is a negotia

Multistakeholder processes

NGOs

NOTING WITH CONCERN THAT international NGOs are beholden to the military, fossil fuel, nuclear, biofuel

DEEPLY CONCERNED THAT big international NGOs are not demanding what must be done and instead

COGNIZANT THAT these NGOs undermined not only other NGOs that were willing to espouse stron

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AWARE THAT there is substantial evidence of this within the big environmental movement of the

CONCERNED THAT NGOs are not required to disclose their source of funding which might put them

CONCERNED THAT All NGOS, including industry front group participating at the UN Conferences, are

Labour

BEARING IN MIND THAT Labour often opposes for economic reasons strong recommendations to curb the

Business

AWARE AND CONCERNED THAT In the years at the UN many polluting industries have set up industry front NGOs

DISTURBED THAT after Rio many states set up a multisectoral round table consensus based- decision

NOTING WITH INCREASING CONCERN THAT States have demonstrated their power and responsibility by forming "public private

RECOGNISING THAT the developing countries are aware that there are many barriers to transfer of technology

CONCERNED ABOUT the influence of transnational corporations on the UNFCCC and about the current

In terms of climate change prevention, funds must be channelled into The Fund for the Implementation

Science

EQUALLY CONCERNED THAT Science representatives at the UN are beholden to corporate interests

(ix) Promulgating unsustainable patterns of consumption and disregarding conserving resources

Unsustainable consumption

DISMAYED THAT States, primarily the industrialised states, have not lived up to the years of comm

TAKING INTO ACCCOUNT THAT The most serious problems now facing the planet is that associated with h

DEEPLY DISTURBED THAT In the world many of the basic resources on which future generations will d

Some patterns of consumption, production and development have the potential for increasing t

REAFFIRMING THAT ...the major cause of the continued deterioration of the global environment is the

Failing to conserve resources

CONVINCED THAT States and citizens around the world must conserve resources

RECALLING the committing to conservation of natural resources in the Universal Declaration

To assure the proper conservation of natural resources being utilized, or which might be utilized

AND in on the Establishment of a New International Economic Order,

To promote international co-operation in research and development in exploration and exploitation

Recalling also the commitment In World Charter of Nature, 1982) World Charter of Nature Mar

Humans can alter nature and exhaust natural resources by their actions or the consequences a

RECALLING AS WELL the commitment in the law of seas to conserve the living resource in the sea. TH

AWARE OF the commitment, in the ending of Deforestation Chapter in Agenda 21 to conserve

The present situation calls for urgent and consistent action for conserving and sustaining fores

AWARE of the commitment in the chapter on agriculture to indigenous conservation practices.

(x). Disregarding the plight of the most vulnerable

DISTURBED THAT it is estimated that 50 of the world's poorest countries collectively produce less

DEEPLY CONCERNED THAT the report 'The Anatomy of a Silent Crisis (2009) by the Global Humanitarian Fo

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DISMAYED THAT the exploitation of human and natural resources by developed states, in develop

DEEPLY DISTURBED that the main victims of climate change will be the world's poorest nations and c

CONCERNED THAT when per capita state emissions are calculated, often a substantial part of the e

CONCERNED THAT there is an unfulfilled climate debt owed by the developed states to the develop

CONCERNED THAT the discrepancy in the carbon footprint between the industrialised and non-indu

ALARMED THAT states opposed to the Copenhagen Accord were pressured or coerced to adopt

REAFFIRMING THAT the Declaration on the Establishment of a New International Economic Order (N

AND REAFFIRMING THAT ~~HAT~~ solemn proclamation of our united determination to work urgently for the Es

AWARE OF the imperative to abide by principle 14 of the Rio Declaration

States should effectively cooperate to discourage or prevent the relocation and transfer to other

AWARE THAT Developed countries have an environmental debt to the world since they are re

DEPLORING THAT the long-standing commitment to transfer the peace dividend to developing cour

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In 1976 at Habitat 1, a UN conference in Vancouver member states of the United Nations affirmed

“The waste and misuse of resources in war and armaments should be prevented. All countries

CONCERNED ABOUT the reluctance to invest in socially equitable and environmentally sound practices

PROCLAIMING THAT all States shall take measures to extend the benefits of science and technology

KEEPING IN MIND THAT major greenhouse gas emitting states have inequitably occupied the atmosphere

Intellectual Property Rights

OBSERVING THAT Intellectual property rights (IP) impede the transfer of socially equitable and environmentally sound practices

REGRETTING THE impact of IP in light of the imminent challenges posed by climate change and the need for

ALARMED THAT states opposed to the Copenhagen Accord were pressured or coerced to adopt

(xi) Proposing unconscionable and inequitable funding mechanisms

DEPLORING the failure of current funding proposals to begin to address in any way, the long-standing

MINDFUL THAT the developed states have failed to act on the longstanding commitment to transfer

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MINDFUL THAT the Breton Woods Institutions, since their inception, have been responsible for u

DEEPLY CONCERNED that in the UNFCCC deliberations the proposed funds are to be administered by the V

NOTING WITH CONCERN AS WELL that the Global Environmental Facility (GEF) has failed t

REGRETTING THAT the Global Environmental Facility is involved in funding climate change projects,

OBSERVING THAT bilateral funding, often with funder-interest conditions, fails to serve the needs of

RECALLING THAT at Habitat II all states made the following commitment; to ensure that corporati

(xii) Advocating false solutions and condoning institutions that undermine the necessary chang

REMINDED OF the failure to act on the commitment made under Chapter 9 of Agenda 21 – the

New and renewable energy sources are solar thermal, solar photovoltaic, wind, hydro, geot

AFFIRMING ALSO THAT nuclear energy is not a solution to climate change because, although promulg

NOTING WITH DISMAY THAT the serious equity, health, and security consequences, especially on the land of

NOTING WITH DISMAY THAT carbon offsetting schemes, instead of reducing emissions, undermine real mea

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APPREHENSIVE OF the use of the Clean Development Mechanism (CDM) as a means of discharging

CONCURRING WITH the developing states at the climate change meeting in Bangkok (Bangkok clima

CONVINCED That primary obstacle to the use of more sustainable forms of energy is the enormou

CONVINCED THAT market-centre approaches are neither an efficient nor an equitable framework fo

CONCURRING WITH the Report prepared for the Permanent Forum on Indigenous Issues THAT The

CONCURRING AS WELL with the Report prepared for the Permanent Forum on Indigenous Issues that "T

AND WITH A FURTHER STATEMENT the flexible mechanisms allow Northern countries to avoid or dela

CONCURRING WITH the Cochabamba People's Agreement that "under capitalism, Mother Earth is co

FULLY AWARE THAT International Trade agreements, such as GATT, and the subsequent WTO, alon

AND THAT given that all states have ratified the UNFCCC and are mutually bound by the UNF

(xiii) Reneging on commitments to socially equitable, environmentally safe and sound transpor

MINDFUL THAT in 1976 at the Habitat I Conference, there was a commitment to address the prob

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Consideration should be given to the radical reversal of current trends, both in terms of facilities

Policies on transportation and communication should promote desired patterns of development

STRESSING THAT at in 1996 at Habitat II Conference every member state made a commitment to

CONCERNED THAT often labour engaged in non-renewable resource extraction, including the fossil

It is crucial that nothing prevent governments from taking steps to deal with climate change, thi

(xiv) Condoning deforestation and destruction of the forests through REDD

OBSERVING THAT the recognition, in UNCED, of the impact of deforestation has not been address

Forests world-wide have been and are being threatened by uncontrolled degradation and conv

FULLY AWARE THAT (i) unsustainable forest management is the main cause of forest degradation, w

CONDEMNING the flawed REDD programme AND **CONCERNED THAT** there was a meeting,

CONCERNED ALSO THAT corporations including transnational corporation have been granted concession

RECALLING THAT in 1996, at Habitat II, all states made a commitment to ensure that all corporatio

(xv) Ignoring the impact of militarism on climate change

ALARMED THAT the IPCC and COP15 have not calculated the impact of militarism on greenhouse

RECALLING THAT at the 1992 United Nations Conference on the Environment and Development

BECOMING more and more aware of the dangers related to climate change, and the potential

DEEPLY CONCERNED THAT in refusal to supply fossil fuel for the consumption of developed states countries

DEEPLY CONCERNED THAT violation of international law, some developed nations, in the pursuit of resources

REAFFIRMING THAT warfare is inherently destructive of sustainable development" (Rio Declaration)

REAFFIRMING THAT the commitment made in Chapter 33 of Agenda 21, to reallocate resources present

NOTING THAT in Agenda 21, there was an estimate of the annual cost of implementing all the

AWARE THAT at the September, 2007 DPI/NGO Conference, the Chair of the Intergovernmental

AWARE THAT states adopted Principle 24 in the 1992 Rio Declaration, UNCED: this principle

(xvi) Defying international Law and Obligations

MINDFUL THAT the International Court of Justice (ICJ) and the Chamber on Environmental Mat

CONCLUDING THAT , in the apparent absence of an international definition of what constitutes crimin

Canadian common law provides useful guidance because Canada has a system of law drawn

Under Canadian law “Environmental negligence” suits focus on compensation for loss caused

The Criminal Code (Section 219) is even clearer that lack of intent to harm is no defence if dan

United Kingdom common law also provides similar guidance. Under United Kingdom Law: Crim

Brazilian, US, Chinese, Spanish, and Indian codes to be reviewed and translated

CONVINCED THAT under the transboundary principle, that has become a peremptory norm, all stat

The lack of intent to harm may not constitute a defence if damage results from conscious acts

CONCERNED THAT climate change has not been perceived as a threat to peace and security and s

DEEPLY CONCERNED THAT climate change poses an environmental threat to peace and security on a scale

AWARE THAT under article 5 of the Rome statute of the International Criminal Court:

The International Criminal Court shall have jurisdiction limited to the most serious crimes of con

DEEPLY CONCERNED THAT international legal instruments such as the Criminal Court have not been made

This may be result of the effects of unbalanced power structures within the United Nations.

OPERATIONAL CLAUSES

What must be done in Cancun?

MEMBER STATES ARE URGED TO AFFIRM (AND TO ACT):

I. Committing to substantial reductions of greenhouse gas emissions, conserving sinks and Es

(1) **THAT** if the obligation in Art 2 of the UNFCCC- stabilization of

Based on current knowledge and current changes happening to practically all ice masses, esp

(2) **THAT** time frames should be imposed to exclude any risk of g

(3) **THAT** Because of the global urgency, there must be the politic

(4) **THAT** Baseline research has revealed that only if the CO2 lev

(5) **THAT** to succeed in being below the dangerous 1 °c, member

Conserving Sinks

(6) **THAT** Destructive land use practices including in the rural, the

Establishing Pathways and methodologies to achieve cuts

(7) **THAT** emission reductions should be based on global caps fo

Advancing methodology to achieve required reductions within timeframes that allow climate ch

(8) **THAT** The emissions reduction required to avoid dangerous c

Please see diagram 1

(9) **THAT** targets must be set based on current science; research

ii. Discharging obligations

(10) **THAT** all member states of the United Nations must discharge

(11) **THAT** states must respect the emerging and current science v

A paper published in Nature (no. 458) on the 30 April 2009 which is the up to date current science

Based on these facts it is clear that an agreement must be reached this year.

(12) **THAT** all states must invoke the precautionary principle that states

“Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

(13) **THAT** states must interpret “measures” to involve “prevention”

(14) **THAT** obligations were incurred in the Framework Convention

(15) **THAT** with any agreement, only mechanisms which lead to the

(16) **THAT** the state must implement the principle in article 3.1 of the

AND THAT signatories of the UN Convention for the Protection of Cultural and Natural Heritage

(17) **THAT** states must discharged the obligation under Article 3 of the

“The specific needs and special circumstances of developing country Parties, especially those

(18) **THAT** the obligation, to provide the right to a safe environment

(19) **THAT** states must give children access to legal aid and advoc

(20) **THAT** to prevent dangerous anthropogenic level of greenhous

Committing to the conserving of carbon sinks

(21) **THAT** worldwide depletion of carbon sinks must end immediat

III. Declaring of a state of emergency

(22) **THAT** states must not succumb to entrenched immovable nat

(23) **THAT** there must be a formal acknowledgement from IPCC so

IV Adhering to peremptory norms

(24) **THAT** states must ratify the Vienna Convention on the Law of

(25) **THAT** states must accept that "Peremptory norm "are internati

(26) **THAT** states must acknowledge that peremptory norms can b

(27) **AND THAT** the Copenhagen Accord will lead to a violation of perem

V. Integrating important considerations in the UNFCCC processes

Water

(28) **THAT** states must include in the UNFCCC processes serious c

(29) **THAT** states must prevent destructive development processes

(30) **THAT** states must adopt a preventive approach to avoid irreve

(31) **THAT** the human right to water must be guaranteed, which would involve the mandatory c

Biodiversity

(32) **THAT** states must seriously consider the impact of climate cha

(33) **THAT** In the 2010 International Year of Biodiversity, all member States of the United Natio

(34) **THAT** T the importance of Traditional Knowledge and practice

Human rights

(35) **THAT** the UNFCCC processes must integrate considerations

“Climate change has many implications for the effective enjoyment of human rights, and for Na

(36) **THAT** the human rights perspective is indispensable to the on

Rights of women

(37) **THAT** States must consider that women, particularly rural and

Hunger and food security

(38) **THAT** in the UNFCCC processes the impact of climate chang

“Time is short. Urgent and sustained action is vital. The conference, therefore, calls upon all pe

Land use

(39) **THAT** the impact of inappropriate and uncontrolled land use o

“Inappropriate and uncontrolled land uses are a major cause of degradation and depletion of la

AND THAT

“Land degradation is the most important environmental problem affecting extensive areas of la

(40) **THAT** the serious equity, health, and security consequences,

(41) **THAT** the mitigation and adaptation processes such as mono

Vegetable protein

(42) **THAT** the contribution to greenhouse gas emissions resulting

VI Changing the Commission on Sustainable Development

(43) **THAT** that the Commission on Sustainable Development, in li
Additionally the Energy Caucus at CSD must immediately adopt a new policy position based on

All preparations and decisions to date for Rio +20 must be scrapped and a new agenda set. TH

(44) **THAT** there should be no privileges and immunities for individ

VII respecting the emerging and current science

IPPC

(45) **THAT** instead of waiting many years for an agreed document

(46) **THAT** the need for independence in matters of factual science

- (47) **THAT** the mandate of the IPCC must change and IPCC scientists
- (48) **THAT** there must be a formal acknowledgement from IPCC scientists
- (49) **THAT** scientists, involved with climate change, must move away from
- (50) **THAT** the issue of tipping points be considered integrally with
- (51) **THAT** not only the states must adhere to the precautionary principle
- (52) **THAT** ‘after the fact mitigation’ of and ‘adaptation’ to climate change
- (53) **THAT** there must be a formal acknowledgement, submitted to the
- (54) **THAT** the mandate of the IPCC must change and IPCC scientists

VIII Discontinuing the UNFCCC negotiating processes which impede change

- (55) **THAT** rather than descending to the lowest common denominator
- (56) **THAT** the entrenched immovable national interests that serve
- (57) **THAT** the practice of anglocentricity at the United Nations must

Revisiting NGO Accreditation and private sector accreditation NGOs

(58) **THAT** the influence of transnational corporations on the UNCO

(59) **THAT** the current trend for public/private partnerships in Unite

(60) **THAT** if governmental and non-governmental organizations fa

(61) **THAT** Charters and licences of Transnational corporations wh

Must be revoked.

(62) **THAT** NGOs must disclose their source of funding and if NGO

(63) **THAT** All NGOS, including industry front group participating a

IX Moving from the overconsumptive pattern of development Embracing a different lifestyle and

Moving from overconsumption pattern of development

(64) **THAT** all states must act on the commitment to move away fro

(65) **THAT** to achieve socially equitable and environmentally-sound

(66) **□ THAT** states must act on the years of commitments to conserve

(67) **THAT** not only states but also individual citizens must move to

Fostering conservation

(68) **THAT □** States and citizens around the world must conserve res

(69) **THAT** states should collaborate on the proper conservation of

(70) **THAT □** there must be conservation and the legitimate utilization

(71) **□ THAT** States must fully recognize the urgency of maintaining

(72) **THAT** states must conserve the living resource in the sea and

X Addressing the plight of the most vulnerable

(73) **□ THAT □** Developed countries have an environmental debt to the

(74) **THAT** all states must act on the fact that the poorest states ha

(75) **THAT** emissions budgets should use a context of the carbon t

(76) **THAT** states must move towards an international economy ba

(77) **THAT** active assistance to developing countries by the whole

(78) **THAT** states must abide by principle 14 of the Rio Declaration

States should effectively cooperate to discourage or prevent the relocation and transfer to other

(79) **THAT** States shall take measures to extend the benefits of sc

(80) **THAT** the major greenhouse gas emitting states must comper

(81) **) THAT** industrialized states must no longer use the so-called pr

(82) **THAT** The transition to a zero-carbon society should meet the

XI Releasing and providing new and different sources of funding;

(83) **THAT** the industrialized states and major greenhouse gas pro

(84) **THAT** the dominant greenhouse gas-producing and emitting s

(85) **THAT** additional funds must be derived from reallocation of glo

(86) **THAT** other budgetary sources for this Fund would be the red

(87) **THAT** in addition, measures to alleviate the impacts of climate

(88) **THAT** all these funding measures could only just begin to com

The impact, of climate change on the world's poor, on indigenous peoples, vulnerable commun

(89) THAT in addition to the http://www.ijoc.org/pubs/see/index.php?option=com_content&view=article&id=106&Itemid=8&lang=en http://www.ijoc.org/pubs/see/index.php?option=com_content&view=article&id=106&Itemid=8&lang=en to implement the [arch=%22%22Composition+of+the+Chamber+for+Environmental+Matters](http://www.ijoc.org/pubs/see/index.php?option=com_content&view=article&id=106&Itemid=8&lang=en)

(90) THAT a Fund for the Implementation of the UNFCCC be established and financed by fund

(91) THAT this fund would take a holistic and scientific approach to tackling climate change. It

(92) THAT funds must be redirected nationally from the subsidising of unsustainable practices,

(93) THAT funds from the subsidising of unsustainable energy generation practices, must be re

(94) THAT the Global Environmental Facility funding should be transferred into the proposed fu

(95) THAT funds from the IMF, World Bank, including the World Bank Climate Investment Fun

(96) THAT the dominant greenhouse gas-producing states should be compelled to finance The

(97) THAT developed nations must act on the long-standing commitment to transfer 0.7% of G

(98) THAT Overseas Development Aid (ODA) must not be linked to political motivations BUT b

(99) THAT to alleviate the impacts of targets and time frames on developing nations the outsta

(100) THAT Developed countries should pay off their debt through payments to the Fund for th

(101) THAT Military expenses must be reallocated. This reallocation could release over \$750/€

(102) THAT funds for ODA should not be administered by World Bank or World Bank-type orga

(103) THAT the polluter pay principle must be enforced against dominant greenhouse gas-prod

Xii Abandoning false solutions and spurious subsidies

(104) THAT all states must embark immediately on time-bound phasing out of fossil fuels and c

(105) THAT because of the serious health and environmental consequences, the use of geneti

(106) THAT in some of the poorest regions agricultural land that should be used for local food p

(107) THAT the Anchorage Declaration that calls upon the Parties to the UNFCCC to recogniz

(108) THAT “market based” or “market centre approaches, which are being proposed by devel

(109) THAT the advocating of nuclear energy, along with large-scale hydro, biofuel, carbon cap

(110) THAT nuclear energy is not a solution to climate change because, although promulgated

(111) THAT states must not install large hydroelectric dams. And THAT states must not use lar

(112) THAT states must dismantle the International Trade agreements, such as GATT, and the

Xiii Committing to instituting support for socially equitable and environmentally safe and sound

(113) THAT any agreement must only seek to implement energy sources which can realisticall

(114) THAT the Fair and Just transition principle must be instituted to assist workers and comm

(115) THAT all states must embark immediately on time-bound phasing out of subsidies for fos

(116) THAT governments and international organizations must adopt at the national level, polic

a. data on all energy-related governmental and intergovernmental subsidies, and

b. data on the phasing out of harmful subsidies to reflect their environmental impacts; and calls

c. Data related to national greenhouse gas emissions including data related to greenhouse gas

(117) THAT states should reveal the disproportionate tax 'relief' given to major greenhouse gas

(118) THAT the member states should institute a fair and just transition program for workers and

(119) THAT there is need for action on the part of members negotiating at the UNFCCC to agree

Intellectual property

(120) THAT all members of society and institutions must be called upon to invest in socially equ

XIV Instituting policies that prevent deforestation and destruction to replace the flawed REDD

(121) THAT Policy proposals to reduce emissions from deforestation and forest degradation in

(122) THAT the large-scale agro-industrial monocultures for food, fibre and, increasingly, energy

(123) THAT the exotic species must not replace endemic species

(124) THAT the Convention on Biological Diversity must be ratified by all states and provisions

(125) THAT Sustainable Livelihoods of Indigenous Peoples who use their forests for food, shelter

(126) THAT In addition spurious arguments that, in the name of climate change, attempt to leg

(127) THAT the REDD program is flawed and must be abandoned. All developed states, in wh

(128) THAT the flawed REDD must be abandoned,

XV Acknowledging and addressing the impact of militarism on climate change

(129) THAT the long-standing commitment to transfer the peace dividend to developing countr

In 1976 at Habitat 1, a UN conference in Vancouver member states of the United Nations affirm

“The waste and misuse of resources in war and armaments should be prevented. All countries

(130) THAT Overseas Development Aid (ODA) must not be linked to military purchases, or to t

(131) THAT the following is drawn from the Declaration that was prepared by members of the I

?

- the member states of the United Nations must act on the commitment in Chapter 33 of Agenc

?

- States must implement the commitment made in Agenda 21 to “the reallocation of resources

- the Intergovernmental Panel on Climate Change must investigate and estimate the full impac

- NATO, whose collective activities have contributed to not only the perpetuation of the scourge

- The International Atomic Energy Agency (IAEA) must discontinue its promotion of nuclear en

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Written by Joan Russow

Tuesday, 23 September 2014 08:52 - Last Updated Sunday, 10 March 2019 10:34

(132) THAT the agreement, of silence, between WHO and IAEA must end, and the World Health Organization must be held accountable for its actions.

Xvi Launching legal challenges under all other applicable law

Including a possible charge of criminal negligence

(133) THAT there exists an opportunity in Cancun to replace “the take note“ Copenhagen Accord with a legally binding agreement.

(134) THAT the process of coercing reluctant states to adopt the Copenhagen Accord must end.

(135) THAT there must be provisions for states to launch cases in the ICJ or in the Chamber of Environmental Matters.

(136) THAT the transboundary principle must be extended and applied to failure to take serious action to address climate change.

(137) THAT delinquent states must be taken to the ICJ, under the Chamber on Environmental Matters of the International Court of Justice (ICJ) <http://www.icj-ij.org/pressroom/EXPR/2013/06/130616EP2-01se.html>
<http://www.icj-ij.org/pressroom/EXPR/2013/06/130616EP2-01se.html>
[arch=%22%22Composition+of+the+Chamber+for+Environmental+Matters](http://www.icj-ij.org/pressroom/EXPR/2013/06/130616EP2-01se.html)

the Chamber on Environmental Matters of the International Court of Justice (ICJ) which was set up in 2001.

(138) THAT there should be an advisory opinion sought from the ICJ on what constitutes criminal negligence.

(139) THAT major greenhouse gas-producing states be forced to implement the actions that would reduce emissions to safe levels.

(140) THAT the UN General Assembly must invoke article 22, of the Charter of the United Nations, to request the ICJ to take action against delinquent states.

(141) THAT the International Criminal Court should be able to extend its jurisdiction to cover cr

142) THAT there should be set up an International Court of Compliance linked to the Internatio

(143) THAT the follow-up to the Kyoto Protocol or any other policy agreement/legal instrument

AT THE 2010 CANCUN CONFERENCE ON CLIMATE CHANGE, THE GLOBAL COMMUNITY

COMMENT ON COP16 [SEE BELOW SUBMISSION TO CANCUN]

At COP15 2010, on December 17th and 18th, presentations were made, by the heads of state

On December 7th, Papua New Guinea had proposed that, rather than descend to the lowest c
If one counts the G77 representing 130 developing states along with some low -lying states or

On the other hand, citizens in the major greenhouse gas producing states could have used a n

At COP15, the dominant developed states ignored not only the developing states but also the c

At COP15, there were important press Conferences on significant emerging data from internati

**At COP 15, there were also calls to include, in the negotiations, the consideration of the impa

At COP 15 the call for the Intergovernmental Panel on Climate Change (IPCC) to rectify the fac

The dominant Greenhouse gas producing states ignored all the emerging data and appeals an

In Cancun, rather than descending to the lowest common denominator approach to setting clim

In Cancun, the flawed Copenhagen Accord with the 2 degrees target had been on the table fro

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