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Do we have to win the climate war in the courts? 14 June 2024 / Vienna / EIKE Conference



The Frozen Climate Views of the IPCC

Analysis of AR6

THE FROZEN CLIMATE VIEWS OF THE IPCC

Edited by Marcel Crok, Andy May

An analysis of ARE





Die Starren Klimavorstellungen des IPCC

Eine Analyse des AR6

DIE STARREN KLIMA-VORSTELLUNGEN DES IPCC

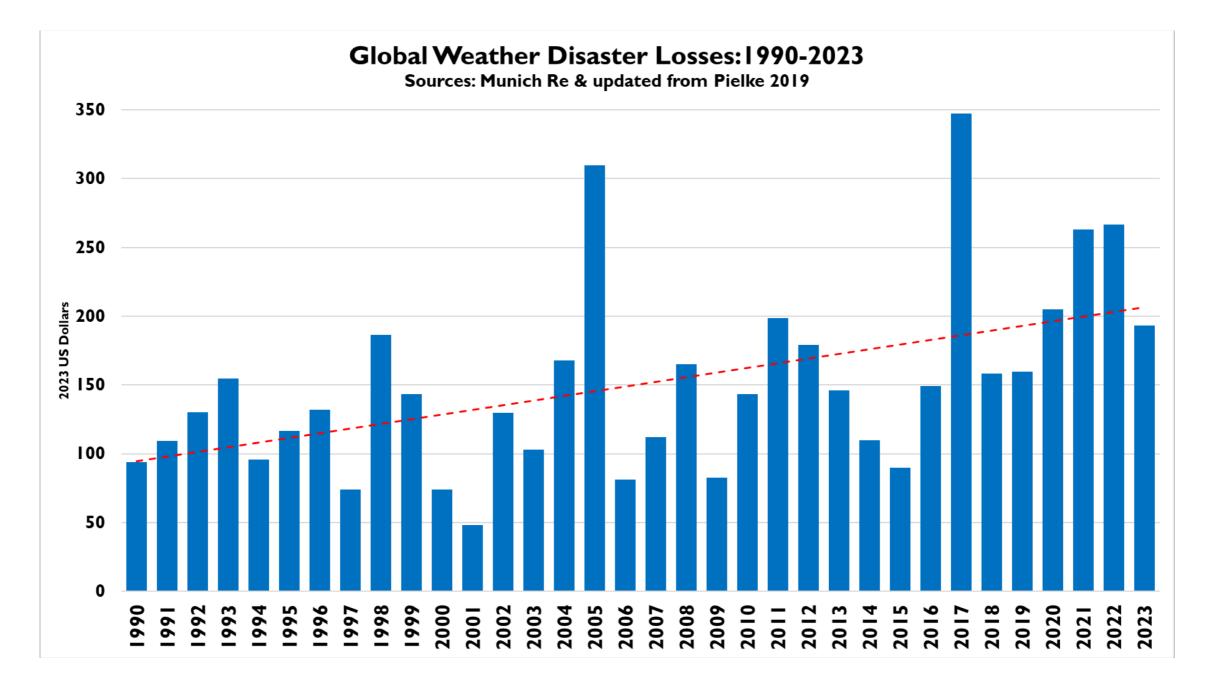
Eine Analyse des AR6

BEARBEITET VON MARCEL CROK, ANDY MAY



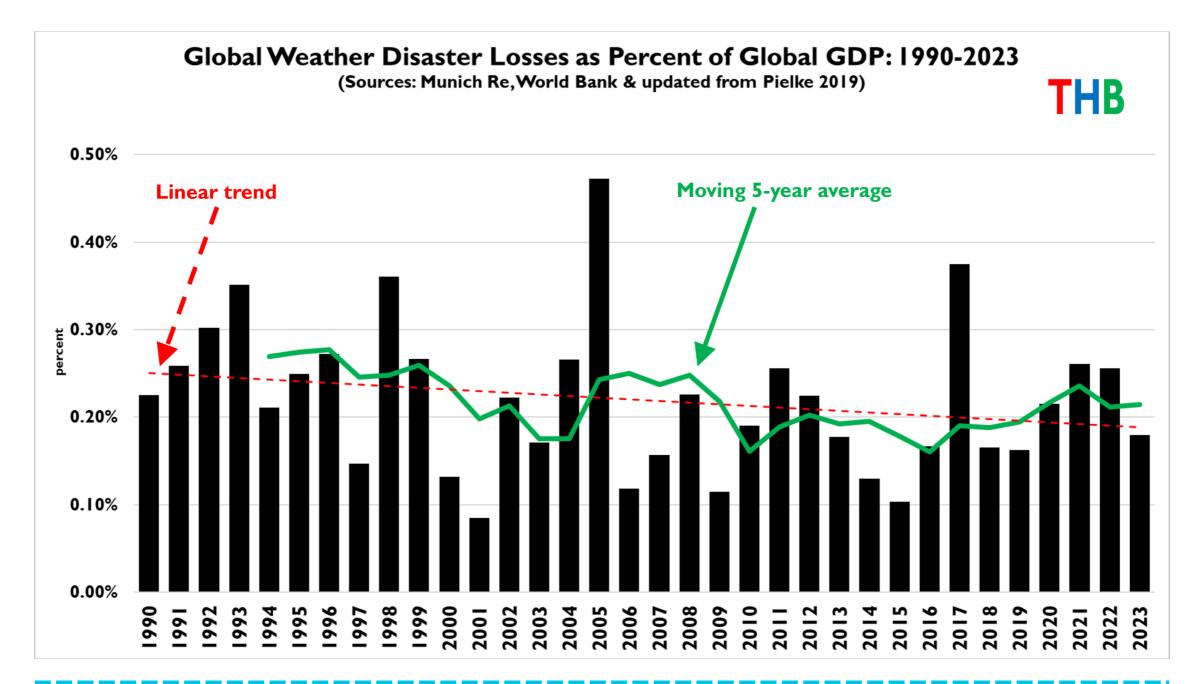
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Damage is increasing





But... not because of climate change





Cherry picking

IPCC on Normalized US Hurricane Damage

Lesson: Subject matter experts can readily see when IPCC chooses to deviate from its mission to accurately assess the relevant literature



Study highlighted by IPCC (25 citations) Normalized US hurricane damage estimates using area of total destruction, 1900-2018 A Grinsted, P Difessen... - Proceedings of the ..., 2019 - National Acad Sciences Hurricanes are the most destructive natural disasters in the United States. The record of economic damage from hurricanes shows a steep positive trend dominated by increases in ... D D Cited by 25 Related articles All 12 versions ATD А Least squares trend (p=0.003) 14000 5-95% Bootstrap intervals 12000 Area totaled (km²) 10000 8000 6000 4000 2000 Ô



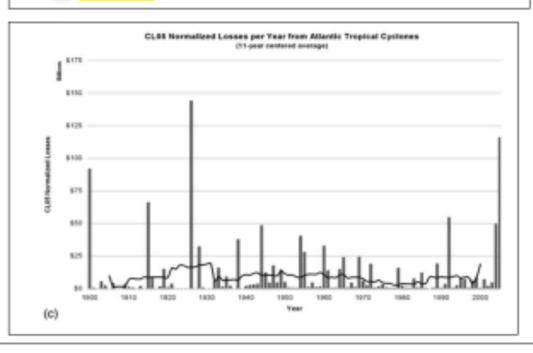
University of Colorado Boulder



Study ignored by IPCC (1,216 citations)

Normalized hurricane damage in the United States: 1900–2005 <u>RA Pielke Jr.</u> J Gratz, CW Landsea, D Collins... - Natural Hazards ..., 2008 - ascelibrary.org After more than two decades of relatively Ittle Atlantic hurricane activity, the past decade saw heightened hurricane activity and more than 150billionindamagein2004and2005. ThispapernormalizesmainlandUShurricane

☆ 99 Cited by 1216 Related articles All 59 versions



Serious error in AR6

- The IPCC ignored 52 studies showing no effect of CO₂ on extreme weather losses.
- It highlighted just 1 (flawed) study (Grinsted et al) to claim an increase in extreme weather losses due to climate change.



Thorough analysis by Clintel shows serious errors in latest IPCC report



© Clintel Foundation / Tuesday May 9, 2023



World Climate Declaration THERE IS NO CLIMATE EMERGENCY

GLOBAL CLIMATE INTELLIGENCE GROUP

1930 signatories / clintel.org

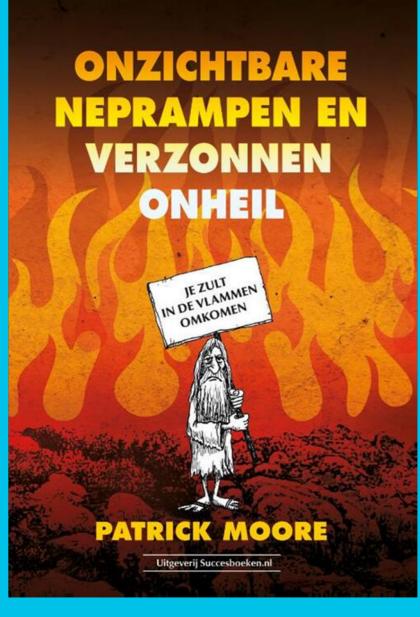




Nobel Prize winner John Clauser



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Onbeslist



Steven E. Koonin

VOORHALIG TOPANBTENAAN VOOR WETENSCHAP BIJ HET AHERIKAANSE MINISTERIE VAN ENERGIE TIJDENS DE DRAMA-REGERING

Litgenerij Succeduren of

Gregory Wrightstone

Een welkome opwarming

Hoe een bescheiden opwarming en meer CO₂ de mensheid ten goede komen



Voorwoord door dr. William Happer Uitgeverij Succesboeken.nl



Climate: The Movie



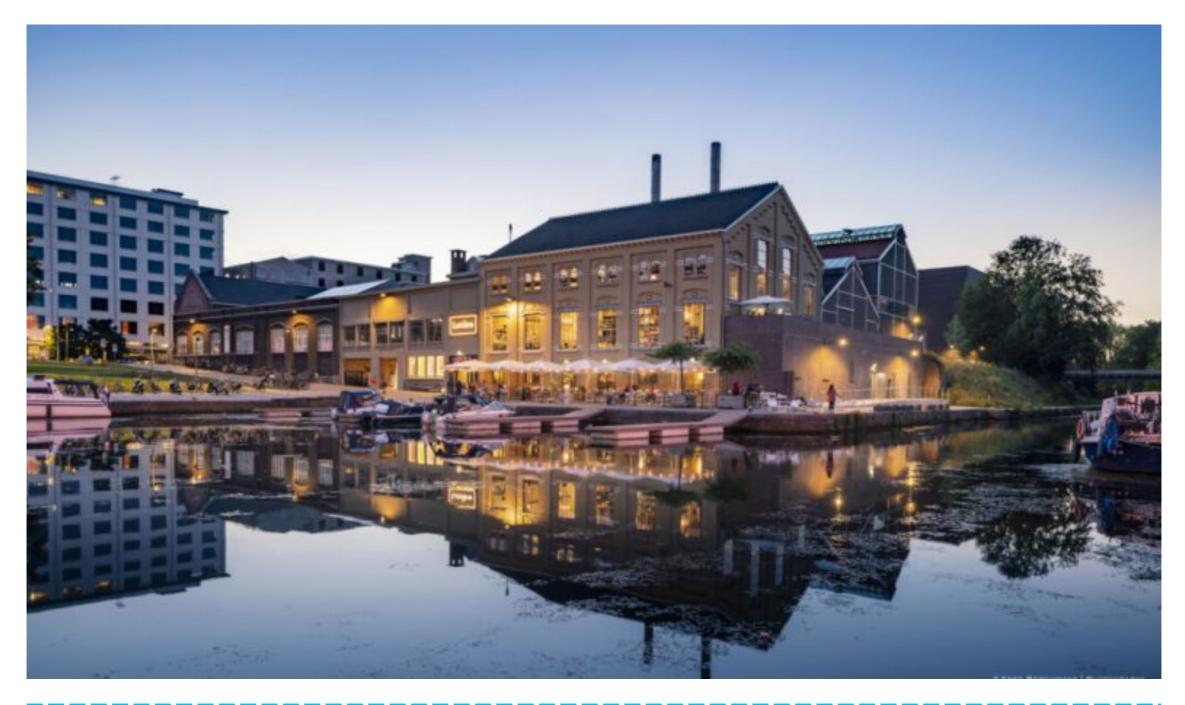


Premiere in The Netherlands





Canceled in Maastricht





Do we have to win the climate war in the courts?



Klima Seniorinnen Schweiz







Historisches Urteil: Warum Klima-Seniorinnen einen riesigen Sieg feiern

Zum allerersten Mal war eine Klimaklage vor einem europäischen Menschenrechtsgericht erfolgreich. Es handelt sich um ein Urteil mit großer Signalwirkung.

Swiss parliament defies ECHR on climate women's case

2 days ago

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By Imogen Foulkes, BBC News, Geneva

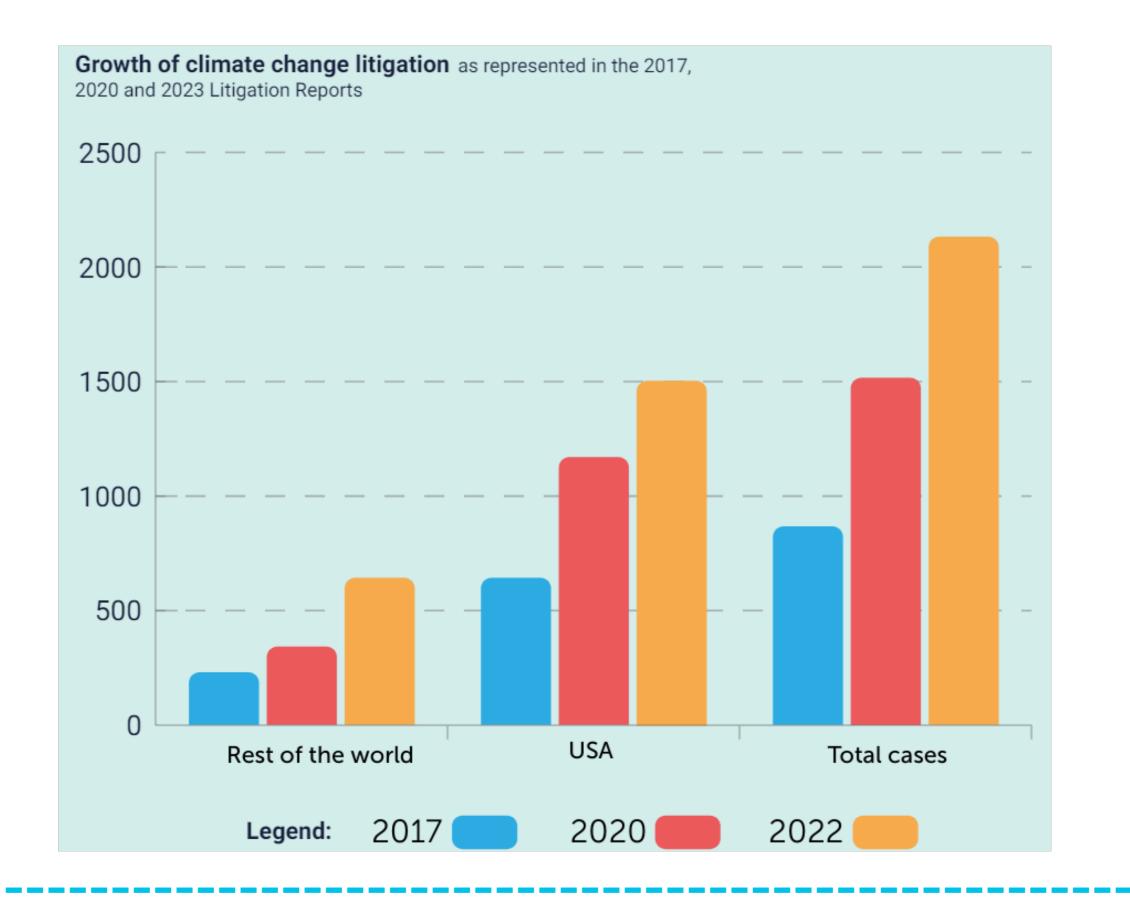


However Switzerland's parliament voted on Wednesday to reject the ECHR's ruling, suggesting it was not "ignoring" it, as some critics have claimed, but rather that Switzerland did not need to react as it already had an effective climate change strategy.



The debate in parliament was at times emotional, with right-wing politicians criticising what they saw as an overreach by "foreign judges", and Green Party members describing the tone of the discussion as "shameful" and "populist".







Private Funders, Public Institutions: 'Climate' Litigation and a Crisis of Integrity

Government Accountability & Oversight, P.C., for its client Energy Policy Advocates

MAY 18, 2021





BY AL GORE

SEPTEMBER 15, 2021 7:16 AM EDT

M ay 26, 2021, may go down in history as a turning point toward accountability for the fossil-fuel industry and its central role in creating the climate crisis that threatens our way of life.

That day, while American companies ExxonMobil and Chevron faced unprecedented rebukes from their own shareholders, in the Netherlands, attorney Roger Cox helped set an even more significant precedent: winning a David vs. Goliath legal battle against Royal Dutch Shell that requires it to reduce its emissions 45% by 2030.







Urgenda against State





"Let's lock-in this victory and change our world for good"

Urgenda tweet



Urgenda 'innovation'

- Governments unable to solve the climate crisis because of short term economic interests and the prisoner's dilemma.
- The judiciary should act as the planet's saviour of last resort!



Cellar hatch case 1961







Lucas Bergkamp

September 9, 2015

The Urgenda judgment: a "victory" for the climate that is likely to backfire

by Lucas Bergkamp

Published in energypost



The Dutch government has decided to appeal the widely publicised "Urgenda" ruling from the district court in The Hague, ordering the Netherlands to step up its climate change actions. According to Lucas Bergkamp, Partner at Hunton & Williams and Emeritus Professor of International Environmental Liability Law at Erasmus University Rotterdam, there are good reasons why we should hope that the court of appeals will overturn the ruling. According to Bergkamp, it sets a dangerous precedent for judicial activism, is inconsistent with European law and will even undermine international climate negotiations.



If this judgment survives appeal and becomes part of Dutch tort law, the implications for climate change litigation would be enormous. Companies emitting greenhouse gases as well as States from which

emissions occur, would be exposed.



In addition, the example of Urgenda will no doubt be followed by NGOs in other countries. It could have far-reaching effects.

Lucas Bergkamp (2015)



Adjudicating scientific disputes in climate science: the limits of judicial competence and the risks of taking sides

Dr Lucas Bergkamp Partner, Hunton & Williams, Emeritus Professor of International Environmental Liability Law, Erasmus University Rotterdam¹



Courts should refrain from examining and ruling on climate science, since they are neither authorised nor competent to rule inscientific disputes.

Lucas Bergkamp





European Convention on Human Rights



Article 2 and 8

ARTICLE 2 Right to life

ARTICLE 8

Right to respect for private and family life



Supreme court (2019)





The Human Right to a Safe Climate – Putting Democracy Under Judicial Guardianship

Following Urgenda's success in the Dutch climate case, climate activists have started proceedings before the European Court of Human Rights.

By Lucas Bergkamp & Katinka M. Brouwer June 21, 2021



If the European Court finds that there is a "human right to a safe climate," its adverse ruling would place 33 European states under judicial guardianship, while destroying the European economy.

Bergkamp & Brouwer (2021)



Milieudefensie vs Shell





One Environmental Group Wants to Set Climate Policies for All of Dutch Industry



"Friends of the Earth" now means "Foes of The Netherlands."

By Lucas Bergkamp January 24, 2022



A new initiative by environmental organization Friends of the Earth ("FoE," called "Milieudefensie" in The Netherlands) threatens to plunge the Dutch economy into a green abyss.

Lucas Bergkamp (2022)



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Intervention by Clintel in Climate Litigation between Friends of the Earth and Shell

Image created by Dutch artist Vincent Geijsen



1688 fellow claimants have joined our court case against Shell and Friends of the Earth.





Milieudefensie vs ING



Klimaatzaak ING

milieudefensi //kl



Do we have to win the climate war in the courts?



A counter-response is necessary to expose the propaganda disseminated in court rooms, the flaws in reasoning, the science that is disregarded, the absence of proper balancing of rights and interests, the hypocritical morality, the complacency and humbug.



Yes and No

No, because courts are not competent to rule on scientific disputes Yes, because climate activists are taking over democracy through the courts





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