

# THE URGENT NEED FOR A GLOBAL CLIMATE CHANGE AUTHORITY

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Our problem is profoundly global, intergenerational, and theoretical. When these factors come together they pose a “perfect moral storm” for ethical action. This casts doubt on the adequacy of our existing institutions, and our moral and political theories.

- Stephen M. Gardiner<sup>i</sup>

We need our reason to teach us today that we are not, that we must not try to be, the lords of all we survey.

- Margaret Thatcher, British Prime Minister (1979-1990)<sup>ii</sup>

## **Addressing Climate Change: The Journey So Far**

There have been quite a few intergovernmental meetings and conferences held to address climate change and related issues, such as the sustainable use of resources, alternative energy, and development in general. Some of the most notable (which include the annual “Conference of the Parties” of the UNFCCC, including “mandated events” and “workshops”) are: Earth Summit, held in Rio de Janeiro, Brazil in 1992, which resulted in the 1992 UNFCCC; Kyoto Conference (1997), which was the result of negotiations among many of the world’s governments to extend the UNFCCC; The Montreal Climate Change Conference (2005);<sup>iii</sup> Bonn Climate Change Conference (2006); Nairobi Climate Change Conference (2007); Bonn Climate Change Conference (2007); Vienna Climate Change Conference (2007); Bali Climate Change Conference (2007); Bangkok Climate Change Conference (2008); Bonn Climate Change Conference (2008); Accra Climate Change Conference (2008); Poznan Climate Change Conference (2008); Bonn Climate Change Conference (2009 – March, June and August); Bangkok Climate Change Conference (2009); Barcelona Climate Change Conference (2009); Copenhagen Climate Change Conference (2009); Bonn Climate Change Conference (2010 – April, May and August); Tianjin Climate Change Conference (2010); Cancun Climate Change Conference (2010); Bangkok Climate Change Conference (2011); Bonn Climate Change Conference (2011); Panama Climate Change Conference (2011); Durban Climate Change Conference (2011 – November/December); Bonn Climate Change Conference (2012); Bangkok Climate Change Conference (2012); Doha Climate Change Conference (2012); Bonn Climate Change Conference

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<sup>1</sup> This paper is excerpted from my monograph, *Climate Change: The Moral and Political Imperatives* (2017), which can be found at [www.davidemcclean.us/ccmonograph.html](http://www.davidemcclean.us/ccmonograph.html)



“The twenty-first century, while maintaining systems of governance inherited from the past, is witnessing a weakening of the power of nation states . . . Given this situation, it is essential to devise stronger and more efficiently organized international institutions, with functionaries who are appointed fairly by agreement among national governments, and empowered to impose sanctions.”

Pope Francis  
*Laudato Si’*

(2013); Warsaw Climate Change Conference (2013); Bonn Climate Change Conference (2014 – March, June and October); Lima Climate Change Conference (2014); Geneva Climate Change Conference (2015); Bonn Climate Change Conference (2015 – June, August and October); Paris Climate Change Conference (2015); Bonn Climate Change Conference (2016); COP 22 Climate Change Conference, Marrakech (2016); and several others.

In terms of significant *bi-lateral* action agreements, in 2014 the United States and China (currently one of the world’s worst polluters, with China still heavily reliant on coal to satisfy its growing energy needs) entered into an agreement for substantial cuts in GHG emissions. The United States agreed to emit 26 to 28 percent less carbon in 2025 than it did in 2005, which is double the pace of reduction targeted for the period from 2005 to 2020, and China, which is a developing economy, pledged to reach peak carbon emissions by 2030 and pledged that clean energy sources would account for 20 percent of its energy production. At the moment, China is aggressively pursuing green energy technologies, largely because it has to, as its levels of pollution have not only become an ecological and health problem, but also a political problem.<sup>iv</sup>

Businesses also have been responding to climate change, pioneering innovations in construction, air conditioning and heating, lighting, and logistical fleet management, *inter alia*. Insurance companies have had a particularly sobering impact on decisions made by *other* businesses and by individuals seeking insurance (including flood insurance). Jason Thistlewaite of the University of Waterloo (Ontario) writes that “In recent years, the private insurance sector has started to incorporate climate change issues into its standard business practices and even begun to lobby governments to regulate and reduce global greenhouse gas

(GHG) emissions.”<sup>v</sup> The Insurance Information Institute (“III”) has discussed the concern throughout the insurance and re-insurance industry:

Any increase in damage and litigation over damage [due to climate change] is likely to raise insurance company losses. What, then, are insurance companies doing to lessen the impact of global warming?

As assumers of risk, both property and liability risk, insurers seek to mitigate potential losses every day through a process known as risk management. Since climate change could lead to losses *on a scale never before experienced*, insurers are not waiting for researchers to produce all the answers.

On the property side, they are redoubling their efforts to raise awareness of climate change and pointing out how potential damage can be limited through more prudent land use, stronger building codes and better planning. Some large companies have launched innovative projects to help developing countries adapt to climate change or have invested in renewable energy.

On the liability side, insurers are helping clients focus on risk management related to climate change, including avoiding harm to the environment. *Failure to protect against or disclose such harm may lead to lawsuits.*

Insurance industry groups are studying the effects of climate change on the industry. The Geneva Association, whose members represent the world's largest insurers and reinsurers, agreed in May 2009 to continue its CC+I research project on climate change and its economic impact on insurance. In a comprehensive report, "The Insurance Industry and Climate Change—Contribution to the Global Debate," the association sets out the issues and the role insurance can play in the process of adapting to the negative effects of change, particularly in developing countries [emphases added].<sup>vi</sup>

That said, note the III's exposition of recent developments, and the harder line the insurance industry is taking to mitigate losses:

In May 2014 subsidiaries of Farmers Insurance *filed class-action lawsuits* against a number of communities in the Chicago area, arguing that they had not done enough to prepare for last year's heavy rains and widespread flooding, *which could have been anticipated due to global warming*. The severe weather caused extensive property damage. The insurers sought to make the municipalities reimburse it for the claims it had paid for flood damage. Some two weeks later, Farmers withdrew the suits, suggesting they had had the desired effect. The lawsuits had drawn the defendants' attention to "important issues," it said, and it expected its policyholders' interests would be protected by the local governments going forward. The company also said that it "hopes to continue the constructive conversations with the cities and counties to build stronger, safer communities."

In a June 2013 report, "The Warming of the Oceans and the Implications for the (Re) Insurance Industry," the Geneva Association said there is strong evidence that the world's oceans have warmed significantly and that temperatures will continue to rise. In such an environment, the report noted, the old approach of analyzing historic data to predict future risk is inadequate. A more effective approach is to include the use of models based on various likely scenarios. *The report concluded that in some high-risk areas, ocean warming and climate change threaten the insurability of catastrophic risk more generally.*

As of February 2014, California, Connecticut, Minnesota, New York and Washington State had agreed to participate in a National Association of Insurance Commissioners climate risk disclosure survey adopted in 2009. California requires all insurance companies writing more than \$100 million in direct premiums to respond to the eight-question survey, while the other four require companies writing more than \$300 million in premium to respond.

For smaller insurers, providing information on climate change risk is voluntary. Responses are available to the public.<sup>vii</sup>

What was once thought unthinkable, unfeasible, idealistic, and naïve (particularly in the minds of nationalists and conservatives) has become the common understanding: Climate change is real and business has a huge role to play to address it. Now, even investors are taking climate change seriously, which has led to new investor disclosure guidelines promulgated by regulators in Europe and the United States. Economic, financial and environmental considerations are no longer severable from one another:

A report released by Citigroup in 2015 estimated that not acting on the effects of climate change could cost the US economy \$44 trillion dollars in terms of lost gross domestic product (GDP) by 2060. The question that persists is how companies disclose these risks to their investors . . .

Public companies are required by the Securities and Exchange Commission to disclose risk factors in their financial filings. Traditionally, companies have included possible negative operational outcomes that could affect their risk targets – such as capital resources, net sales, revenues, and future financial conditions. However, climate change can have possible negative outcomes affecting any or all of these risk targets . . .

The industry-led Financial Stability Board’s Task Force on Climate-related Financial Disclosures (TCFD), whose purpose is to ensure “more methodical, comparable and consistent disclosure on climate-related risks and opportunities,” recommended in its June Report that preparers of climate-related financial disclosures provide such disclosures in their mainstream financial filings . . .

The Task Force believes climate-related risks are often material and “disclosure in mainstream financial filings should foster shareholder engagement and broader use of climate-related financial disclosures, thus promoting a more informed understanding of climate-related risks and opportunities by investors and others.”

“Publication of climate-related financial information in mainstream financial filings will help ensure that appropriate controls govern the production and disclosure of the required information,” the Task Force also stated.<sup>viii</sup>

In the United States, the Securities and Exchange Commission (“SEC”) issued guidelines regarding climate change disclosures. Unfortunately, the SEC has done little to enforce those guidelines, at least as of this writing. Given the Trump Administration’s stance on environmental protection, and its view that ACC is a “hoax,” it seems unlikely that the SEC will be permitted to become more aggressive in policing and enforcing risk disclosures concerning climate change in public company filings.<sup>ix</sup> That said, there are other powerful voices pushing for enhanced disclosures. On June 29, 2017, the TCFD (headed by former New York mayor, Michael Bloomberg) released three documents that serve as building blocks to describe and support implementation of the TCFD’s recommendations. The TCFD’s interests include helping investors and businesses better prepare themselves for the risks and opportunities (e.g., new green technologies) due to climate change:

It is widely recognized that continued emission of greenhouse gases will cause further warming of the Earth and that warming above 2° Celsius (2°C), relative to the pre-industrial period, could lead to catastrophic economic and social consequences. As evidence of the growing recognition of the risks posed by climate change, in December 2015, nearly 200 governments agreed to strengthen the global response to the threat of climate change by “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,” referred to as the Paris Agreement. The large-scale and long-term nature of the problem makes it uniquely challenging, especially in the context of economic decision making. Moreover, the current understanding of the potential financial risks posed by climate change—to companies, investors, and the financial system as a whole—is still at an early stage.

There is a growing demand for decision-useful, climate-related information by a range of participants in the financial markets. Creditors and investors are increasingly demanding access to risk information that is consistent, comparable, reliable, and clear. There has also been increased focus, especially since the financial crisis of 2007-2008, on the negative impact that weak corporate governance can have on shareholder value, resulting in increased demand for transparency from organizations on their risks and risk management practices, including those related to climate change.

The growing demand for decision-useful, climate-related information has resulted in the development of several climate-related disclosure standards. Many of the existing standards, however, focus on disclosure of climate-related information, such as greenhouse gas (GHG) emissions and other sustainability metrics. Users of such climate-related disclosures commonly cite the lack of information on the financial implications around the climate-related aspects of an organization's business as a key gap. Users also cite inconsistencies in disclosure practices, a lack of context for information, use of boilerplate, and non-comparable reporting as major obstacles to incorporating climate-related risks and opportunities (collectively referred to as climate-related issues) as considerations in their investment, lending, and insurance underwriting decisions over the medium and long term. In addition, evidence suggests that the lack of consistent information hinders investors and others from considering climate-related issues in their asset valuation and allocation processes. [Note references omitted.]<sup>x</sup>

### **The Need for a Global Authority**

While the work of NGOs, of industry, and of citizens themselves have been extremely useful in efforts to mitigate and prepare for the effects of climate change, the United States' decision to pull out of the Paris Agreement, as well as waffling by other countries, suggests that a stronger hand needs to be added to the mix, and it is up to the world's citizens to bring this about.<sup>2</sup> This is not a casual suggestion, it is a moral imperative. As Gardiner puts it:

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<sup>2</sup> In September of 2017, Trump Administration officials were suggesting that withdrawal from the Paris Agreement may not be inevitable, as long as terms were renegotiated to the Administration's satisfaction. Other parties to the

Suppose that it is true that humanity currently lacks the appropriate institutions to deal with global environmental change. What follows? If political institutions normally operate under delegated authority from citizens, the answer seems clear. This is a case where the delegation has either not happened, or else has failed to be successful. How do we think about this? Again, there is a natural answer. If the attempt to delegate effectively has failed, then the responsibility falls back on the citizens again – either to solve the problems themselves, or else, if this is not possible, to create new institutions to do the job. If they fail to do so, then they are subject to moral criticism, for having failed to discharge their original responsibilities.<sup>xi</sup>

Indeed, as has been made very clear (and what is very clear by the terms themselves), the Paris Agreement is a non-binding instrument, with provisions that were desiderative and velleitous at best. Given what is at stake, *reliance* on voluntary compliance is grossly insufficient, and that would be the case even if all parties did precisely as they promised. The reliance on voluntary compliance, given the stakes, is itself highly morally problematic, especially when all parties are aware of the wildly different agendas and capabilities that are distributed among the world's states, and the political pressures that can work to mitigate against voluntary compliance – and here I am not considering the example of the United States alone. There are at least four vectors for solutions to the various problems ahead: 1. Citizen action (individually or through civil society organizations); 2. Industry initiatives (e.g., the creation of new green energy sources, carbon sequestration technology, and flood mitigation technology, *inter alia*); 3. Global accord (including and leading to international non-binding commitments and memoranda of understanding); and 4. Global enforcement mechanisms. The first three have been in play, in a coordinated way, since Earth Summit, in Rio. But because there is no global enforcement mechanism, non-compliance with past agreements or covenants can present from any party at any time, without any substantive price to pay on the part of the party in breach. It is too easy, for example, for a state to point to domestic reasons – including political ones – for non-compliance.

This won't do.

No state relies solely upon *voluntary* tax compliance for the raising of revenue. Given the importance of tax revenue for the very survival of the state, each state imposes a range of penalties for lack of compliance, including asset seizure, fines and incarceration. No state relies on voluntary compliance to assure that internal *private* commercial contracts (critical for economic activity) are honored, but rather arranges for a range of civil remedies for breaches. I could go on and on. The point is this: Where things *vital to the functioning of the state* are concerned, forms of *coercion* and not mere voluntary compliance are employed. Indeed, it is often the fear of the penalties for non-compliance that keeps people and institutions in line, even though there will always be a few audacious

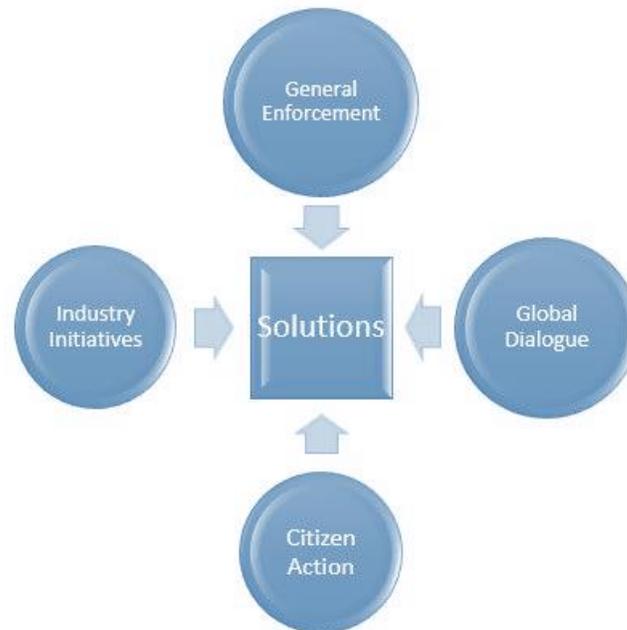


There is something about standing at the precipice which allows into the range of options notions that would not have been given a moment's thought in less exigent circumstances.

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agreement continue to indicate that there will be no renegotiation. The Administration seemed to be bending to pressure in suggesting that exit is not inevitable, which contradicts earlier statements. The other Parties to the Paris Agreement would be pleased if the United States remained a party, but whether or not it does the various governors, mayors, and business leaders in the United States are accepting the obligation to meet or improve upon the agreements targets.

risk takers who aggressively game the system or viciously evade their legal and moral obligations (e.g., some of those persons disclosed in the “Panama Papers” and “Paradise Papers”).<sup>3</sup>



Given these considerations, the world’s states need to institute, organize, empower, and fund a central *authority* (not another “committee” or “working group”) to which a requisite amount of sovereignty is ceded by each in order to address climate change efficiently and effectively, now and for many decades to come. This notion of ceded sovereignty, often scoffed at as alien to the core dogmas of political realism, can no longer be scoffed at. Climate change, being a global threat, needs a coordinated response among all the world’s states, not merely an agreement to independently and voluntarily meet targets for GHG reduction, share the burdens of millions of climate refugees, create new insurance innovations, etc. This is even more clear now that we see, after President Trump pulled the United States out of the Paris Agreement, what domestic politics can do to derail serious efforts at the individual state level. Indeed, political risk looms over all climate negotiations. But is a central authority possible in the short-term, which is the only term we have left?

There is something about standing at the precipice which allows into the range of options notions that would not have been given a moment’s thought in less exigent circumstances. We recall Hannah Arendt’s notion of *thinking*, of *thinking* without banisters when confronted with circumstances that explode the categories of our institutions and possibilities. We must think anew; we must think, as Arendt suggested for times like these, without preconceived categories and the customary norms. We must bring our judgment to bear on the current crisis and not cleave to the typical constraints or to old solutions.

Pope Francis wrote in *Laudato Si’*:

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<sup>3</sup> The International Consortium of Investigative Journalists (“ICIJ”) broke two different stories regarding tax evasion and the hiding of assets by wealthy individuals and business entities, dubbed, respectively, “The Panama Papers” (2016) and “The Paradise Papers” (2017). See ICIJ.org.

The twenty-first century, while maintaining systems of governance inherited from the past, is witnessing a weakening of the power of nation states, chiefly because the economic and financial sectors, being transnational, tends to prevail over the political. Given this situation, it is essential to devise stronger and more efficiently organized international institutions, with functionaries who are appointed fairly by agreement among national governments, *and empowered to impose sanctions*. As Benedict XVI has affirmed in continuity with the social teaching of the Church: “To manage the global economy; to revive economies hit by the crisis; to avoid any deterioration of the present crisis and the greater imbalances that would result; to bring about integral and timely disarmament, food security and peace; to guarantee the protection of the environment and to regulate migration: for all this, there is urgent need of a true world political *authority*, as my predecessor Blessed John XXIII indicated some years ago.” Diplomacy also takes on new importance in the work of developing international strategies which can anticipate serious problems affecting us all [emphasis added].<sup>xii</sup>

Pope Francis also recognizes the fragility of governments. Governments can make abrupt course changes in policy. As we have seen with the election of Trump, a radical shift in policy has taken place – so radical as to abjure and undo nearly all of the policies and goals of his predecessor, Barack Obama. Understanding this, Pope Francis tells us:

[C]ontinuity is essential, because policies related to climate change and environmental protection cannot be altered with every change of government. Results take time and demand immediate outlays which may not produce tangible effects within any one government’s term.<sup>xiii</sup>

In Francis’s (and his predecessors) insights one finds Hannah Arendt’s banisterless thinking. If a true world political authority was thought by former Popes to be required in order to address relatively quotidian international crises (and they were certainly not alone in this, as they were joined by the ranks of hundreds of thinkers in governments, universities, and NGOs operating around the world), such an authority is, *a fortiori*, required to address the devastation that climate change will cause – devastation that will make the financial crisis of 2007-9 look like a mild shock.

Sovereignty is still an important and even critical political concept and lodestar of self-determination and international relations, just as is autonomy for individual persons. Sovereign borders do not only create *problems* for necessary and robust action when such action is required (to address famines, floods, and to assist refugees, as but a few examples), as critics frequently charge; they also serve to make the administration of the needs of limited numbers of people more rational and efficient, and they serve to protect people in times of crisis so that they do not become stateless. As we have seen in recent history, made crystal clear in the recent writings of Timothy Snyder and other historians, stateless peoples – that is, people not protected within or behind the ramparts of state sovereignty – are too often the first to become the victims of political scapegoating and tyranny.<sup>xiv</sup> Further, we need sovereign states to bring markets (firms, exchanges, bankers, etc.) to heel, lest they get out of hand and threaten the stability of the very economic opportunities they themselves create. Only sovereign states, because of the authority to tax and to write the rules of the road for their own citizens and their own institutions (i.e., they wield police power), have what it takes, ultimately, to check markets and market institutions, self-regulatory activities notwithstanding. So, in what follows I do not call for “world government” or the gelding of sovereignty. What I do call for is the *rational* ceding of sovereignty *to the degree needed to address a*

*global, not merely a state, threat.* The international relations and climate scholar Henry Shue has called for the same, and for mostly the same reasons.<sup>4</sup> The logic is simple: It is in the interest of each state to do so, and this interest overrides other interests that each state does or may maintain. Regardless of our political borders, we exist on one planet, and the changes in Earth’s dynamic systems that we will face (are facing) respect no borders. Physics overrides political lines of demarcation, just as it does human timetables for action. The winds and rains of hurricanes “Eugene” (August 2017), “Irma” (September 2017), “Maria” (September 2017), and “Ophelia” (October 2017), which caused hundreds of billions of dollars of damage, in the aggregate, and immeasurable emotional trauma and displacement, originated beyond the borders of the United States and Ireland and the other countries impacted.



“Mechanisms” to “promote” compliance are like “mechanisms” to “promote” good conduct during blackouts. They are insufficient. The world’s governments should lay the foundations for more robust joint efforts.

In a world in which resources are contested, ceding sovereignty is not simple. It is said that it takes several nautical miles to stop a fully loaded oil tanker on the open sea, and then to turn it around (an apt analogy, when you stop to think). The current understanding of state sovereignty is like that oil tanker. Large corporate interests and governments invested in the philosophy of political realism are difficult things upon which to force a course change, especially when nativist winds are blowing. But difficult or not, that is precisely what they must do if we are to address the predicted damages that will result from climate change, which include the deaths of tens of millions of human beings. Critics of the UNFCCC and the IPCC often point out that the pace of progress is too slow, that the agreements reached are mostly non-binding, and that there is insufficient attention being paid to the poor countries that will be impacted by climate change, despite the minimum \$100 billion per year to be paid (supposedly) to the poorer countries by the rich countries in order to help them prepare for necessary changes and to mitigate the damage caused by climate change, as called for in the “Adoption” section of the Paris Agreement by the Conference of the Parties.<sup>xv</sup> Yes, the Paris Agreement itself calls for compliance mechanisms:

1. A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement is hereby established.
2. The mechanism referred to in paragraph 1 of this Article shall consist of a committee that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive. The committee shall pay particular attention to the respective national capabilities and circumstances of Parties.
3. The committee shall operate under the modalities and procedures adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement at its

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<sup>4</sup> Henry Shue, *Climate Justice – Vulnerability and Protection* (Oxford: Oxford University Press, 2014).

first session and report annually to the Conference of the Parties serving as the meeting of the Parties to this Agreement.<sup>xvi</sup>

But mechanisms to “promote” compliance are like “mechanisms” to “promote” good conduct during blackouts. They are insufficient. The world’s governments should lay the foundations for more robust joint efforts (bilateral, regional, and international), with enforcement mechanisms that cannot be easily resisted by assertions of Westphalian sovereignty, even if many of the burdens can be assumed by local authorities (mayors, governors, and local legislators). Given recent events, most notably the official and foolish climate change denial of the Trump Administration in the United States, and Brexit in the UK, it is clearer than ever that we cannot rely on typical state mechanisms to bring about the needed action. What is required is movement in the opposite direction than that contemplated by nationalists in the United States, the United Kingdom, France and other countries. What is required is the creation of a robust international **authority to police compliance** with multinational climate change agreements (and subsidiary agreements). What is required is a bold step toward creating new organs of/global regulation, at least as regards this issue and issues ancillary to it (such as, as mentioned, the handling of the millions of climate refugees that are expected). Nationalist worries about a slippery slope leading to a multi-tentacled world authority that rides roughshod over the peoples of various states (not entirely baseless) can be addressed with such devices as hard sunset provisions, limited veto power, notification requirements, courts of adjudication, and built-in mediation and arbitration mechanisms deemed fair to all parties. So those worries can be transformed into straw men, relatively easily.

The call for an international authority is not new, though it has always been considered rather fanciful in a world that understands international relations to be effected through a mixture of *Realpolitik*, *Machtpolitik*, and hard diplomacy. But the idea for more robust organs of world governance have persisted, and not only because of romantic or utopian visions. We can look back to Diogenes the Cynic, Epictetus, Immanuel Kant (I’ve just traversed more than two millennia) and others who also called, implicitly or explicitly, for more robust international agreement on critical matters, especially in order to avoid wars. In a 1946 essay by Albert Einstein, published in *The New York Times*, Einstein contended, as regards the threat that nuclear weapons pose to the world, that we must undergo a *metanoia*, that is, engage in a new kind of *thinking* if we are to survive:

Often in evolutionary processes a species must adapt to new conditions in order to survive. Today the atomic bomb has altered profoundly the nature of the world as we knew it, and the human race consequently finds itself in a new habitat to which it must adapt its thinking. In the light of new knowledge, a world authority and an eventual world state are not just *desirable* in the name of brotherhood, they are *necessary* for survival.”<sup>5</sup>

While Einstein might have been wrong about a world *state*, he was surely right about the need for a world *authority*. They are, for certain, not the same sorts of thing. If he lived into the present moment and could see the threats that attend climate change, he would undoubtedly rend his garments and chastise us for not establishing such an authority years ago. But here is the important point, in view of Einstein’s plea: A global authority isn’t merely a liberal political idea, but rather it is a mechanism of adaptation in the face of a new reality, a new “habitat” in which old political paradigms and personal mindsets have not only lost a considerable measure of their utility, they have actually become a threat to survival. A politics that increases threats to survival isn’t politics any longer; it has become a menace.

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<sup>5</sup> Albert Einstein, “The Real Problem Is in the Hearts of Men.” *The New York Times*, June 23, 1946.

We are now not only threatened by the possibility of nuclear war (a possibility heightened given new tensions between Russia and the United States and its allies, as well as by other tensions in the world, such as those in the Middle East and the Korean Peninsula), we are also threatened by the enormous challenges that will be posed by a changing Earth. (It should be noted that the disruptions and political and social breakdown that will attend climate change, as I discussed elsewhere, will themselves increase the probability of nuclear war.) The need for more robust organs of international compliance (that is, actual *authorities*) is more urgent than during Einstein's lifetime, even though at the present time the likelihood of their creation seems, *ceteris paribus*, appallingly low. That, however, does not change the need. The vast majority of the world's governments have taken climate change extremely seriously, looking at it as a serious – indeed, the most serious – *national* security threat. This is simply a fact, a fact that is at odds with the resources being made available to mitigate the damage that will be done, and a fact that is at odds with the absence of a global authority.

### **Challenges to the Creation of a Global Authority: Nationalism and Anti-Globalism**

Yet, the world's states, rightly wary of tight alliances and agreements for cooperation with parties with significantly different cultures and at varying states of economic and technological development, continue to air their reticence. The Russian Federation has turned hard nationalist. To a lesser degree, so has the United States. In January of 2017, a bill was introduced in the United States House of Representatives. It was titled the "American Sovereignty Restoration Act of 2017" and it was tailored after similar bills introduced by that legislative body in prior years. The bill, if passed (in some form), would repeal the United Nations Participation Act of 1945 and other specified and related laws. The bill requires that: (1) the President terminate U.S. membership in the United Nations, including any organ, specialized agency, commission, or other formally affiliated body; and (2) the closure of the U.S. Mission to the United Nations. Further, the bill prohibits: (1) the authorization of funds for the U.S. assessed or voluntary contribution to the U.N., (2) the authorization of funds for any U.S. contribution to any U.N. military or peacekeeping operation, (3) the expenditure of funds to support the participation of U.S. Armed Forces as part of any U.N. military or peacekeeping operation, (4) U.S. Armed Forces from serving under U.N. command, and (5) diplomatic immunity for U.N. officers or employees.<sup>xvii</sup> In years past, I would have bet such a bill could not ever become law. I am not so certain anymore, although given the robustness and rationality of American government institutions (i.e., their ability to stand up to political pressures) passage into law is still not very likely, and such bills are often just stunts by conservative legislators.

However, sometimes the dog catches the car. For years, Nigel Farage, a Member of Parliament in Britain, pushed hard to get the UK out of the European Union, seeking to reclaim sovereignty that was ceded to Brussels. Said Farage, "Should we continue to run our economic affairs or be managed by people in Brussels?"<sup>xviii</sup> Farage got his way, at least so far (exploration is afoot, as of this writing, regarding ways to rescind the Brexit decision).<sup>xix</sup> The Brexit vote in 2016 shocked not only the British people, but the world. It was a vote driven by nativism and nationalism, despite the evidence that a break with the European Union would have serious economic and political consequences. The economists all weighed-in on Brexit, as had debt and equity markets in the UK and just about everywhere else. For years, I have been debating colleagues in academia and in the financial services industry about the "impending disintegration" of the European Union. In the years just after the financial crisis, colleagues warned that Spain's banking industry would collapse, that Italy's would be next, and that Greece would opt either to exit the EU or be shown the door. I argued that, though more pain would be more likely than not, those predictions would not pan out, and I based my conclusions not on the panic of traders or the middle-brow commentary of talking

heads on cable news (of which there is a far too ample supply), but on three things: (1) World War I; (2) World War II; and (3) that there are enough people in power who remember (1) and (2) and who know that World War III is possible and must be prevented. These would prevent the disintegration of the EU – a multi-decade project to avoid war and strengthen inter-state bonds. Short-term (though painful) economic and financial woes would not be enough to cause the disintegration of the EU. Up until the Brexit vote, I had been correct.

The various nationalists (there is more than one flavor of nationalism holding forth) who sought and seek Brexit recall that the last time a neighbor determined to become a super-state (Germany) things went very badly indeed. British fears are understandable, although the parallels between the rise of Hitler and the creation of the EU are, to put it mildly, overstated. Also understandable is the *eros* of long-held traditions, ways of life, and national identity (which British conservatives such as fellow philosopher Roger Scruton are quick to remind us). And then there is the impulse to sovereignty and self-determination, an impulse that cannot and should not be dismissed. The original lyrics of “*Rule, Britannia!*” set out the sentiment of national sovereignty *cum* national pride:

When Britain first, at Heaven's command  
Arose from out the azure main;  
This was the charter of the land,  
And guardian angels sang this strain:  
"Rule, Britannia! rule the waves:  
Britons never will be slaves" . . .

The Muses, still with freedom found,  
Shall to thy happy coast repair;  
Blest Isle! With matchless beauty crown'd,  
And manly hearts to guard the fair.  
"Rule, Britannia! rule the waves:  
Britons never will be slaves." <sup>xx</sup>

This song captures the sentiments of most of the peoples of the world toward their respective countries (and many have a similar element of sovereign “trash talk” and mythological imagery). But talk of enslavement seems more than a bit over the top when considering the goals of the EU, and the very democratic manner in which Britain became a member, although listening to Farage one might conclude that a band of brigands had charged north-west from Brussels to lay siege to the island nation. The EU was established to prevent just the sorts of threats that the nationalists fear, leaving nations’ standing armies in place. The whole point of the EU, when conceived, was to create mechanisms by and through which inter-state democratic consensus might more easily be achieved, for the larger goals of stability, growth, security, and peace *within* each member state as well as *among* all member states – a goal that would take time to achieve as various European states get integrated and as the kinks in the systems of EU governance and regulation get worked through.

The history of Europe in the 20th century is the history of serious political miscalculations at the nation-state level, imperial aggression, demagoguery and, ultimately, military conflict, largely (but not only) fought on European soil, soil soaked with the blood of European men and women. What is to be remembered is that the threat of war in Europe has not gone away. Russia, still smarting over the disintegration of the Soviet Union and its loss of “superpower” status, seeking to reassert itself on the “global stage,” is saber-rattling and playing a dangerous game of chicken with its neighbors and

with various states outside of Europe, including but not only the United States. As a “petrol state” its reliance on fossil fuel exports (both to feed its people and the bank accounts of its ruling kleptomaniacs) will only make it more desperate and so much more dangerous in the coming years, as the world shifts to clean energy. A strong EU, a part of which Great Britain could have been able to play a key role (and might

again one day), is a force for peace and stability in the face of Russian bluster and bad behavior.



**At a time when countries will need increasing cooperation with one another in order to coordinate and enforce responses to what will be the most significant threat to world peace and stability ever to be faced by human beings, nationalisms of all types must take a back-seat, and hard sovereignty will have to soften.**

Political and cultural nationalists, such as Farage, worry about the demise of traditions and prized cultural achievements. But it is hard to see just who wants a culturally homogenized Europe or to force Britain into some pre-fabricated European cultural mold. Indeed, a homogenized Europe is unlikely, as Europe's strength (or one of its strengths) is precisely its diversity of languages, traditions, and sensibilities. Britons need not fear the loss of their heritage and cultural identity, although borrowings and exportations of cultural values and practices are inevitable in a shrinking world. But that's true for every country.

As far as the various and recent refugee crises are concerned, factors in the Yes-vote on Brexit, they won't go away through Brexit and, as should be clear by now, the number of refugees that will be created by climate change will dwarf the numbers of refugees coming out of Syria and Africa. It should be known by now that there is no way to inoculate, fully, against the spill-over from regional problems. Were borders to be closed altogether (which they cannot be without serious repercussions) – the troubles would still find their way in, directly or indirectly. Whether as a member of the EU or not, the refugee crisis will still wind up on Britain's doorstep. (A solution, of course, to the problem of massive numbers of refugees is to, among other things, cease foolish policies and conflicts that displace people and lead them to seek sanctuary in other states.)

At a time when countries will need increasing cooperation with one another in order to coordinate and enforce responses to what will be the most significant threat to world peace and stability ever to be faced by human beings, nationalisms of all types must take a back-seat, and hard sovereignty will have to soften. The fact is that if we are to survive the disasters climate change will create or worsen, the future will have to be more politically cosmopolitan, not more politically nationalist. ACC is a scientific fact and those who doubt it can no longer be consulted or taken seriously, as they have no sensible arguments left.<sup>xxi</sup> Given this, stronger rather than weaker ties between the world's states, democratic and other, are needed, and the old rivalries must be laid to rest for the sake of humanity and future civilization and for the sake of thousands of species that climate change will put at risk in the Anthropocene. Climate change is a moral

and political game changer. It requires tighter bonds between states, not weaker ones; more trust, not less. What Britain shares with the rest of Europe (and with Canada, the United States, New Zealand, etc.) already makes it a world-center of deliberation, ideas, talent, and resources. A form of nationalism (let's call it "national pride") can have a place (so long as it is not expressed as xenophobia, nativism, racism, or in pursuit of *Lebensraum*). Old forms of nationalism have to be replaced with new ones that fit with a world riddled with global crises, and global opportunities. In a manner of speaking and given where we are in terms of the threats, the only real competition that ought to obtain between states *as such* should concern the creation and production of climate change *solutions*, from the best forms of CCS and albedo replacement, to the best models for refugee relocation, management, and integration.

I suggested that the world must become more politically cosmopolitan. A spokesman for the Trump Administration recently "accused" a journalist of showing his "cosmopolitan bias." This showed the administration's hyper-nationalism and xenophobia, both of which are now far more dangerous than they usually are. We are having a clash between (hyper-) nationalism and cosmopolitanism at precisely the wrong time. The worry that populism could lead nations down the wrong path has plagued adroit political leaders for years. Populism has various meanings and various forms of expression, but at its root it is based upon and driven by emotional reactions to troubling and often fleeting circumstances, and sometimes imagined ones. In democratic settings, operating upon foundations of representative government, populism can lead to unwise courses of action and bad policy. When populist heat is on the rise, it is the job of the informed representative to cool hot public emotions, but the conundrum is that the need for the cooling comes at precisely the time when things are hottest.

There is a long and deep literature regarding the meaning of "representation" in a democracy. Edmund Burke helped to set the stage for the analysis of what representation ought to and ought not to mean, as did the Founding Fathers in the United States, who, in *The Federalist Papers*, tackled that and many other questions concerning government's role and activities. Burke, who in his 1774 *Speech to the Electors at Bristol at the Conclusion of the Poll*, declared famously:

It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinion, high respect; their business, unremitting attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions, to theirs; and above all, ever, and in all cases, to prefer their interest to his own. *But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution . . . Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion* [emphasis added].<sup>xvii</sup>

In *The Federalist Papers*, No. 10, James Madison argued for a representative form of government as opposed to a direct democracy, especially in larger societies, because of his awareness of the *dangers* of direct democracy. Direct democracy can work well in small populations that seek to govern themselves, just as communism can work well in monasteries, but in larger heteronomous populations with a wide array of competing interests and needs the representative form of government tamps down the inflamed and often fleeting emotions that attend them, whether those interests and needs are religious or secular. Madison wrote:

It is in vain to say, that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm: *nor, in many cases, can such an adjustment be made at all, without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another, or the good of the whole* [emphasis added].<sup>xxiii</sup>

The danger of direct democracy as a general form of self-governance is that the flames of high and passing emotion can supplant long-term thinking and leave the ship of state listing and off course. Certain times may call for referenda and plebiscites, but such times should be rare.

Back to Brexit. Suppose, in the coming months, it becomes far less dubious than it may be today that Brexit will lead to a very weak currency (say on parity with the dollar, or worse), and incredible uncertainty that makes it impossible for UK businesses to plan for future growth or for businesses outside of the UK to plan investments and operations inside the UK. Suppose all of this lasts for five, seven or ten years (or more). Then it seems likely that there will be a serious contraction of the UK economy, and even further downgrades of its debt (though it might enjoy a temporary improvement in its current account balance). That could very well mean high and sustained periods of unemployment, a decline of real estate values, higher interest rates (in order to attract needed capital), and a diminished ability to raise funds on the world's capital markets. And suppose Scotland does go through with another referendum concerning its own independence, so that it can remain in the EU. Suppose that the UK (including, as well, a newly independent Scotland) faces years of economic and political pain, pain that would be the result of what can only be described as a self-inflicted wound. And suppose it becomes clearer over the next few months, as the British prime minister attempts to lead the country through the thicket that is Brexit, that this is indeed the UK's future. Would it still be arguable that the gains in sovereignty and "national pride" outweigh all of the preceding and likely many more unfortunate scenarios?

Those are the questions that citizens of the UK are asking themselves even now that Article 50 of the Lisbon Treaty has been triggered, and a deal with Brussels appears to have been cut. Is there a way out? It is hard to say but, at this point, probably not. But Britain's case is instructive for the rest of the world, which is why I am highlighting it. Edmund Burke's understanding of representation is one that the world's politicians need to revisit. Government exists, in part, to corral the passing passions of tribalism, nationalism, sectarianism, and factionalism. The notion of "mirroring" the will of a population at any given time, where the stakes can be serious harm to political minorities and long-term national interests, is the very reason we have representative forms of democracy. Burke, I have always believed, was right when he counseled that elected representatives, who must handle extremely complicated questions (and far more complicated now than in Burke's day), owe their constituents not their industry and obedience only, but also the benefit of their *judgment*, derived from greater access to facts, and they betray their constituents when that judgment is sacrificed to ill-informed passions and opinions that lead the ship of state into the shoals or to shipwreck upon the rocks of emotion and faction. This is not a paean to democratic elitism, but rather it is a call to statesmanship.

The UK isn't the only worrying example of nationalism. In the United States, on January 20, 2017, Donald J. Trump took office as 45<sup>th</sup> President of the United States. Mr. Trump has no experience in public office or even public service (*of any kind*), and has emerged after several decades of demagoguery on the far right and an almost total descent into incoherence on the part of American conservatism, as argued eloquently in a recent book by Arizona Senator Jeff Flake.<sup>xxiv</sup> Like all conservatisms, American conservatism is, facially, more nationalist than American liberalism, but after the rise of the neo-conservatives during

years of the George W. Bush presidency (2001-2009), American conservatism broke loose from its intellectual moorings to become something quite unrecognizable to traditional “small government/fiscal responsibility/culture preservation” conservatives of past generations. The slide into vulgar populism, efforts to fan the emotional flames of nativism and feelings of disaffection or alienation by some across the country, delivered the White House to Mr. Trump. Mr. Trump’s performance as president – so far – is about as was predicted by many millions of people (the majority as it turns out) who did *not* vote for him. From the very first, his presidency has been in disarray, exemplified by botched executive orders and the resignation, just weeks in, of his National Security Adviser, the firing of the Director of the FBI, and many other troubling actions that were still mounting at the time of this writing.

The election of Mr. Trump has millions of thoughtful Americans engaging in various discussions about the rather appalling tone and character of his presidency, which include discussions of his mental health and fitness for office. One of those discussions must also concern the meaning of conservatism itself. For it is clear that his adopted (or it might be better to say, *seized*) party, the Republican Party or GOP (acronym for “Grand Old Party”), due to the rise of the so-called “tea party” and of neo-conservative elements, has abandoned the basic principles and ideas of conservatism, allowing itself to spiral into confusion such that every radical slur (“Barack Obama is the founder of ISIS”) and nativist/racist belch (“We’re taking our country back!”) is embraced as an expression of conservative “thought.” This spiral into confusion has led, directly, to Mr. Trump’s nomination, a fact lamented by many Republicans as well as the vast majority of Democrats.

Even political spectators who consider themselves left-of-center miss sane and capable conservative interlocutors and representatives, despite policy disagreements with them. In my own case, when I was a much younger man (from my early teens into my early twenties), my eyes would sparkle as I watched *Firing Line*, which was broadcast on public television, with its calm, erudite debates about how best to deal with the Soviet Union, the pros-and-cons of the so-called “Reagan Revolution,” and the best way to beat “the inflation monster.” William F. Buckley, Jr., the show’s founder and host (and founder, in 1955, of the conservative magazine *National Review*), no paragon of multicultural sensitivity for sure, was gracious to his guests, and they to him, and more light than heat was produced – usually. When Buckley, on the right, debated Senator George McGovern, on the left, there were, to be sure, some forensic barbs, but the debate was maintained at a high level of thoughtfulness, as both men knew the other was a decent person who loved his country, and was an intellectual equal. The Buckley-[Gore]Vidal debates were an aberration, but both men seemed to come to regret their lapses of civility and decorum (especially Buckley) and the forgetfulness of their highest resolves over the course of their exchanges.

Every country will have its conservatives, as it will have its liberals, though in each they will be styled somewhat differently. As for American-styled conservatism, it would be an act of personal edification were American conservatives to recall the basic elements that once gave conservatism its intellectual shape, and to consider how far American conservatives have moved away from them and toward a version that looks more like vulgar tribalism than as an attempt to proffer a thoughtful set of guidelines for furthering the interests of the republic. (The far left has its own problems, which usually come in the forms of flights of fancy, obscurantism, and abstraction, very little of which is apposite to or for the formation of policy.) The ten principles of conservatism, listed below, would sit well with serious conservative thinkers from Edmund Burke to Ronald Reagan. Unfortunately, the current waves of nativism, ethno-nationalism, and populism, as well as the break from conservatism’s intellectual roots, have trampled these ten principles into mush:

1. Restraint on the power and opposition to the profligacy of government (*not* belief that government itself is “The Problem,” which leads many (including our youth) away from the idea that government’s mission is noble, and toward cynicism regarding public institutions and service);
2. Concern regarding unintended consequences in policy formation (*not* fearful recoil in the face of change that is needed to improve the lives of fellow citizens);
3. Humility and caution in international engagements (*not* swagger, delusions of nation-building abroad, and international adventurism);
4. Suspicion regarding the perfectibility of human beings (*not* a lack of concern for the improvement of characters and lives wherever possible);
5. Caretaking valued, tenable, and important American traditions (*not* ethnocentrism, jingoism, regionalism, tribalism and xenophobia);
6. Insistence on personal agency and personal responsibility (*not* sanctimony and the browbeating of others for human weakness or withholding help where needed);
7. Fraternity and sorority among and between all citizens (*not* Balkanization and the creation of tribal enclaves along racial, gender, ethnic and religious lines);
8. Commitment to civics and civics education and public service (*not* hyper-nationalism, anti-immigrant resistance, hyper-valorization of military service, and militarism);
9. Social stability (*not* “law and order” at the price of justice, fairness and equal concern for all citizens); and
10. Fiscal responsibility (*not* just efforts to reduce *taxes*, but also prudence in incurring public indebtedness, and *not* shortsightedness but farsightedness in expenditures on youth and the nation’s infrastructure for the sake of future generations).

As we, in the United States, begin our reflections on this moment in our history – a particularly nasty and concerning one – we need to consider the place and importance of probity in our political commitments and discourse, the dangers of ideology, and the benefits of pragmatism, meliorism, and sagacity. That is, we must consider what has become *maladaptive behaviors* in view of the present realities of climate change and other global threats. What has happened in the United States may be instructive for others and, I believe, has been. In the case of contemporary conservatism, it has, by many accounts, been run off the rails by tribal impulses, extreme and thought-blocking fear of terrorism, and national arrogance, all of which, taken together, has led to a countervailing response by the left and by liberals. It would do the country good if true, traditional conservative statesmen and stateswomen could, somehow, retake the field from the imposters that have emerged in their midst, as Jeff Flake argues must happen. As we will note concerning Margaret Thatcher, in the pages that follow, conservative thinking need not be devoid of careful deliberation or plagued by premature epistemic closure. It can rest upon facts and concern for good public policy, as well as upon an awareness of the need to pull one’s weight within the community of nations. “America First” is a hollow – even senseless – slogan in a globalized world, especially for a superpower with entanglements and interests around the globe.

Thus, conservatism must reform to allow for a reimagining of state sovereignty and national identity. State sovereignty pursuant to the Westphalian idea is a significant impediment to dealing with the problem of climate change. Sovereignty suggests autonomy and freedom, and we generally associate both with the capabilities needed to construct good lives. Of course, these are not ordinary times. Under states of emergency, where threats do not respect borders, the assertions of sovereignty must take a back-seat to the need for increased and decisive international cooperation. So far, we have handled the threat of climate change as collections of sovereign states (notwithstanding various international accords and mechanisms of comity), and this has slowed progress dangerously, and has led to weak, toothless,

agreements, as already indicated. What is needed is the shedding of sovereignty for the limited and specific purpose of addressing the threat, which, in my view, entails creating a new international organization. Mitigating the destruction that climate change will bring cannot be left to plebiscites and referenda within individual states, which are rife with special interests, cronyism, and a plethora of ethnic agendas. The model I am proposing is one that cedes some measure of authority to pass international laws and impose international timetables upon all the Cooperating States (“CS”), *compelling* action as prescribed by what I shall call a Central Climate Change Authority (“CCCA”), which will be governed by the heads of state (or their designees) of each CS member.



The CCCA could be created by action of the United Nations Security Council (“UNSC”), though there are significant difficulties with the UNSC birthing it, not the least of which is the veto power of certain members that are petrol states or which otherwise resist UNSC authority. Creating a new global authority on climate change from within the UNSC does fit, I would argue, within the UNSC’s existing mandate. Article 29 of the United Nations Charter gives the UNSC the power to establish subsidiary bodies as needed for the performance of its functions – i.e., maintaining the security of member states. All existing committees and working groups of the UNSC are comprised of its fifteen members. While standing committees are chaired by the President of the UNSC, rotating on a monthly basis, other committees and working groups are chaired or co-chaired by designated members of the UNSC who are announced on an annual basis by a “Note of the President of the Security Council.” The mandate of subsidiary organs, whether they are committees or working groups, can range from procedural matters (e.g. documentation and procedures, and meetings away from headquarters) to substantive issues (e.g. sanctions regimes, counter-terrorism, and peacekeeping operations). The administrative mechanisms are all in place for a new authority to police and enforce climate change obligations.<sup>xxv</sup>

It seems wrong to suggest that the UN cannot tackle the creation of this new institution. The UNSC birthed The International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda pursuant to its charter powers, and these are dependent on the UN for their operation, though independent adjudicatory bodies. It also appoints the judges of the International Court of Justice, in The Hague (Netherlands). The UNSC established a Counter-Terrorism Committee, which works to bolster the ability of member states to prevent terrorist acts both within their borders and across regions. It was established in the wake of the September 11, 2001 terrorist attacks in the United States. The Counter-Terrorism Committee is assisted by the Counter-Terrorism Committee Executive Directorate, which carries out the policy decisions of the Committee, conducts expert assessments of each Member State, and facilitates counter-terrorism technical assistance to countries. The UNSC has also established a Non-Proliferation Committee and a Military Staff Committee, which helps plan UN military measures and regulate armaments. There are Sanctions Committees, used to apply pressure on a state or entity to comply with the objectives set by the UNSC without resorting to the use of force. Sanctions thus offer the UNSC an important instrument to enforce its decisions. The universal character of the UN makes it an especially appropriate body to establish and monitor such measures. The UNSC has resorted to mandatory sanctions as an enforcement tool when peace has been threatened and diplomatic efforts have failed. The range of sanctions has included comprehensive economic and trade sanctions and/or more targeted measures such as arms embargoes, travel bans, and financial or diplomatic restrictions.<sup>xxvi</sup> In summary, coercion is not foreign to the UNSC.

*But, as indicated above, the UNSC is not the only option. The UN could create the CCCA separate and apart from the UNSC.*

The CCCA could, if made a reality, enforce an international agreement along the lines of the Paris Agreement (call it the “General Agreement on Climate Change” (“GACC”). As an enforcement (regulatory) entity, it would monitor agreement compliance with reporting and GHG-reduction obligations and targets, among other obligations. It would do this by using the same compliance mechanisms that the UNSC already employs, as sketched above. The CCCA would impose fines, seize funds escrowed as performance guarantees in cases of serious non-compliance, call for and impose sanctions for serious non-compliance, collect dues from various states to support its operation (and impose fines for delinquency), pass condemnatory resolutions, use hard diplomacy, adjudicate conflicts of laws, enforce richer CS financial obligations to poorer members, and require complying CSs to assist non-complying CSs to comply, where such non-compliance is the result of limited resources or significant internal disruptions and dislocations that were unforeseen and not orchestrated for the purposes of non-compliance. It would also serve as a dispute arbiter between the various CSs subject to the GACC.

While I have many other ideas as to how the CCCA could function (rotating chairs, veto authority of CSs, mechanisms to maintain states’ rights, etc.), they cannot be discussed here. It is the *idea* for both the GACC and CCCA that I want to introduce, and that is my sole purpose. Indeed, much more is beyond my expertise, in any event. But it is my belief that the GACC and CCCA would enhance greatly the types and speed of our efforts to address climate change while existing and established organizations for international cooperation are yet in place, more or less healthy, and functioning (which, if major climate-related events cause worldwide catastrophes that draw on the attention and resources of these organizations, may not remain the case). Were the GACC and CCCA to become realities, the state parties would address the details of institution and operation. What is hoped, in that case, is that the executives (heads of state) of the various CSs be given broad binding authority so that popular ratification of the GACC and CCCA would not be required. The ratification process takes too long, and the world is out of time.

At the same time, it is important that states that could achieve CS status less quickly than others not be permitted to game the process. In that regard, some new negotiation facility for contingent commitments among the aspiring CS parties should be utilized. A contingent commitment mechanism or algorithm that allowed the CS parties to bind themselves contingently, while their concerns were being addressed by and among other aspiring CS parties, would be quite useful. Precisely such a contingent commitment facility for climate change has been proposed by Marc Groz, an American inventor and capital markets expert. As he explained it to me in correspondence:

Humanity's efforts to mitigate damage from climate change are mired in a troubling paradox: Everyone knows that a strong communal good comes from cooperative action, but many are afraid that their cooperative behavior will be taken advantage of by one or more parties that withhold their cooperation. This type of situation, modeled by mathematicians and psychologists as "the prisoners' dilemma," arises whenever people lack adequate information about the intentions of others and are forced to choose between cooperation and competition. It is an acute problem in the context of encouraging people and entities toward actions to mitigate climate change.

I am working to create a Contingent Commitment Facility ("CCF") for climate change. A CCF is an information technology platform that facilitates decentralized, bottom-up solutions to otherwise intractable problems. Acting as a neutral third party, a CCF transforms messy real-world problems into opportunities for breakthrough solutions. By offering parties the ability to say "Yes, if," specifying the conditions under which parties are willing to commit to action, CCFs will dramatically reduce or even eliminate the fear factor that undermines cooperation in so many contexts. CCFs allow parties to map out secure contingent commitments, which may be public, selectively disclosed, or completely confidential. These contingent commitments specify the circumstances under which each of the parties would agree to one or more binding commitments. Each CCF analyzes the full set of contingent commitments and informs the parties whether any binding commitments have been created through satisfaction of all relevant contingencies.<sup>xxvii</sup>

## **Anti-Globalism and the Attack on the UN**

The main impediments to the GACC and CCCA have already been discussed. They are nationalism and hard sovereignty. In the United States, suspicion of the UN itself is constantly fueled by the far right, and has been for a long time. The far right remains reticent to have the United States be a member of any international organization, especially one that has as members states that are known to thwart international law and sponsor terrorism. So, as discussed, there have been legislative attempts to remove the United States from the UN. This old reticence has been hitched to a new wave of "anti-globalism" and "anti-globalist" propaganda by Steve Bannon (former Chief Political Strategist for President Trump) and others, and certain fringe media outlets, such as Breitbart News. "Globalism" and "globalists" are repeated targets at Breitbart. My search of the word "globalist" on the Breitbart website Breitbart.com, in August 2017, resulted in 23,000 hits.

Aside from Bannon, among the most vocal critics of the UN are conservatives Rich Lowry, editor of *National Review*, and John Bolton, former UN Ambassador. Of the United States' ongoing membership in

the UN, Lowry has advocated retrenchment, though acknowledging that the likelihood for such retrenchment is low.<sup>xxviii</sup> John Bolton, a vicious critic of the UN, though appointed as United States Ambassador to the UN by President George W. Bush, sees the UN as no more than a sink for taxpayer money:

After 70 years, the United Nations has become a vast, sprawling conglomerate, overwhelmed by unsustainable ambitions, inadequate capacities, and plain reality. Characterized by speeches, meetings, reports, resolutions, and endless ways to spend money, the UN has managed to construct a large carbon footprint. What else it actually accomplishes is a different issue.

None of this is new. In his Oct. 22, 1961, diary entry, Arthur Schlesinger, close adviser to President John Kennedy and good friend of then UN Ambassador Adlai Stevenson, wrote, "I cannot resist the feeling that the UN world is really an immense and picturesque form of make-believe and that its problems and crises are remote from the serious issues of the day." Although Schlesinger hoped he was mistaken in the long run, that day is not yet in sight . . .

Staying in, of course, brings its own share of trouble, thanks to the feckless decisions by one UN governing body after another and the attendant financial consequences for American taxpayers. If UN agencies and councils merely adopted resolutions filled with rhetoric, we would be irritated, but those authorizing treaties, programs, and conferences with budget implications irritate us more tangibly. Given the UN Charter's "one nation, one vote" principle, we are basically guaranteed to be permanently irritated.<sup>xxix</sup>

The views of Lowry and Bolton are shared by many others on the political right and far right in the United States, including by Frank Gaffney and pretty much everyone at The Heritage Foundation, a right wing think tank and policy advocacy group. Does the UN need reform? Certainly. But it is as much misused (and ignored) by the United States as the United States complains that it is misused (and ignored) by other member states. Conservatives, by nature, tend toward insularity, toward a focus on the homeland and its people. But it is not true that conservatism requires insularity or is fated to indomitable suspicion of other states under a rigid version of political realism. One of the most eloquent appeals for the world's states to address climate change was delivered to the UN General Assembly (and things don't get more "globalist" than the UN) by none other than Margaret Thatcher, the Conservative Party Prime Minister of Britain (1979-1990), on November 8, 1989. Here is an excerpt that highlights Thatcher's superlative expression concerning the UN:

. . . Mr President, the environmental challenge which confronts the whole world demands an equivalent response from the whole world. Every country will be affected and no one can opt out.

We should work through *this great organisation and its agencies* to secure world-wide agreements on ways to cope with the effects of climate change, the thinning of the Ozone Layer, and the loss of precious species.

We need a realistic programme of action and an equally realistic timetable.

Each country has to contribute, and those countries who are industrialised must contribute more to help those who are not.

The work ahead will be long and exacting. We should embark on it hopeful of success, not fearful of failure.

I began with Charles Darwin and his work on the theory of evolution and the origin of species. Darwin's voyages were among the high-points of scientific discovery. They were undertaken at a time when men and women felt growing confidence that we could not only understand the natural world but we could master it, too.

Today, we have learned rather more humility and respect for the balance of nature. But another of the beliefs of Darwin's era should help to see us through—the belief in reason and the scientific method.

Reason is humanity's special gift. It allows us to understand the structure of the nucleus. It enables us to explore the heavens. It helps us to conquer disease. Now we must use our reason to find a way in which we can live with nature, and not dominate nature.

At the end of a book which has helped many young people to shape their own sense of stewardship for our planet, its American author quotes one of our greatest English poems, Milton's "Paradise Lost".

When Adam in that poem asks about the movements of the heavens, Raphael the Archangel refuses to answer. "Let it speak", he says,

"The Maker's high magnificence, who built  
So spacious, and his line stretcht out so far,  
That Man may know he dwells not in his own; An edifice too large for him to fill,  
Lodg'd in a small partition, and the rest  
Ordain'd for uses to his Lord best known."

We need our reason to teach us today that we are not, that we must not try to be, the lords of all we survey.

We are not the lords, we are the Lord's creatures, the trustees of this planet, charged today with preserving life itself—preserving life with all its mystery and all its wonder.

May we all be equal to that task.

Thank you Mr President. [Emphasis added.]<sup>xxx</sup>

Conservatism need not buy into the blinkered and maladaptive nationalism and anti-globalism of Bannon, Bolton, Gaffney, Lowry, and The Heritage Foundation.<sup>6</sup> It is precisely the wrong set of ideas to maintain in

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<sup>6</sup> It should be noted that, unfortunately, Mrs. Thatcher backed away from the strong commitment she voiced in her UN speech, as she makes plain in her book *Statecraft*. Many assume this is because of ideological and political pressure, as well as pressure from the fossil fuel industry, to soften her rhetoric. That said, when she gave this speech she was a leading conservative and very clear about the threat.

a world that is not only shrinking, but that very much requires and seeks-out the guidance and wisdom of countries like the United States.

In 2013, Bobby Jindal, then the Governor of Louisiana, pleaded to his party, the Republican Party:

We must stop being the stupid party. I'm serious. It's time for a new Republican party that talks like adults. It's time for us to articulate our plans and visions for America in real terms. We had a number of Republicans damage the brand this year with offensive and bizarre comments. We've had enough of that.<sup>xxxii</sup>

But the party, it seems, did not have “enough of that.” It did not take Jindal’s advice, but rather it doubled down on being the ground zero of “offensive and bizarre comments” in American politics. Many of those “offensive and bizarre” comments (some of which are set forth in Chapter 1) have to do with climate change. For the sake of the country, indeed for the sake of the world, this must cease. If it does not cease, and cease soon, the Republican Party will be remembered in the history books as one of the most corrupting and pernicious organizations that the world has ever known, whatever its members may think of it, or themselves, presently. That indictment won’t be made by me, or by Democrats, but by future generations whose world may be filled with conflict and misery that could have been avoided. To recall, one last time, the words of Strobe Talbot:

[I]f we take the steps necessary to fend off specific, imminent, and potentially cataclysmic threats, we will be giving ourselves time and useful experience for lifting global governance in general to a higher level. By solving problems that are truly urgent, we can increase the chances that eventually . . . the world will be able to ameliorate or even solve other problems that are merely very important. Whether future generations make the most of such a world, and whether they think of it as a global nation or just a well-governed community of nations, is up to them. Whether they have the choice is up to us.<sup>xxxii</sup>

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<sup>i</sup> Gardiner, xii

<sup>ii</sup> Margaret Thatcher, "Speech to United Nations General Assembly (Global Environment)," *Margaret Thatcher Foundation*, November 8, 1989, <https://www.margaretthatcher.org/document/107817>

<sup>iii</sup> The UNFCCC entered into force on 21 March 1994. Today, it has near-universal membership. The 197 countries that have ratified the Convention are called Parties to the Convention. The UNFCCC is a "Rio Convention", one of three adopted at the "Rio Earth Summit" in 1992. Its sister Rio Conventions are the UN Convention on Biological Diversity and the Convention to Combat Desertification. The three are intrinsically linked. It is in this context that the Joint Liaison Group was set up to boost cooperation among the three Conventions, with the ultimate aim of developing synergies in their activities on issues of mutual concern. It now also incorporates the Ramsar Convention on Wetlands. Preventing "dangerous" human interference with the climate system is the ultimate aim of the UNFCCC.

<sup>iv</sup> Kenneth Rapoza, "China To Spend Trillions On 'Green Tech'," *Forbes*, August 11, 2015, <https://www.forbes.com/sites/kenrapoza/2015/08/11/china-to-spend-trillions-on-green-tech/#5470267e409f>

<sup>v</sup> Jason Thistlethwaite. "The ClimateWise Principles: Self-Regulating Climate Change Risks in the Insurance Sector." *Business and Society* 51, no. 11 (2012): 21 –147, doi: 10.1177/0007650311427595

<sup>vi</sup> *Insurance Information Institute - Background on: Climate change and insurance issues*, Accessed August 5, 2015, <https://www.iii.org/article/background-on-climate-change-and-insurance-issues>.

<sup>vii</sup> *Ibid.*

<sup>viii</sup> Xing Gao, "Weighing ESG Disclosures—Climate Risks Going "Financial"," *Bloomberg BNA*, July 18, 2017, <https://www.bna.com/weighing-esg-disclosuresclimate-b73014461889/>.

<sup>ix</sup> Robert Repetto, "It's Time the SEC Enforced its Climate Disclosure Rules." *International Institute for Sustainable Development*, March 23, 2016, <https://www.iisd.org/blog/it-s-time-sec-enforced-its-climate-disclosure-rules>

<sup>x</sup> Task Force on Climate-Related Financial Disclosure. *Recommendations of the Task Force on Climate-related Financial Disclosures. Financial Stability Board*, June 2017, <https://www.fsb-tcfd.org/wp-content/uploads/2017/06/FINAL-TCFD-Report-062817.pdf> (X and Haley 1965)

<sup>xi</sup> Gardiner, 433

<sup>xii</sup> Francis, paragraph 175.

<sup>xiii</sup> Francis, paragraph 181.

<sup>xiv</sup> Timothy Snyder. *Black Earth: The Holocaust as History and Warning* (New York: Tim Duggan Books, 2015).

<sup>xv</sup> United Nations. "Paris Agreement," 2015, Section 53.

<sup>xvi</sup> United Nations. "Paris Agreement," Article 15.

<sup>xvii</sup> H.R.193 – "American Sovereignty Restoration Act of 2017." <https://www.congress.gov/bill/115th-congress/house-bill/193>

<sup>xviii</sup> BBC News. "Euro Reaction – Key Quotes." [http://news.bbc.co.uk/2/hi/uk\\_news/politics/2976494.stm](http://news.bbc.co.uk/2/hi/uk_news/politics/2976494.stm). Accessed 10 July 2017.

<sup>xix</sup> Akshat Rathi. "Can Brexit be reversed?" *Quartz*, June 9, 2017, <https://qz.com/1002636/can-brexit-be-reversed-can-article-50-be-revoked/>.

<sup>xx</sup> From "Britannia Rules the Waves," at *Historic UK*, <http://www.historic-uk.com/HistoryUK/HistoryofBritain/Rule-Britannia/>. Accessed 12 October 2017.

<sup>xxi</sup> The overwhelming scientific consensus justified this claim. Policy makers have an absolute duty to make no room for deniers and skeptics, and I refuse to do so in this book.

<sup>xxii</sup> Edmund Burke, *Speech to the Electors at Bristol at the Conclusion of the Poll* (1774).

<sup>xxiii</sup> Madison, James, "Federalist No. 10 (The Same Subject Continued: The Utility of the Union as a Safeguard against Domestic Faction and Insurrection)" in *The Federalist Papers: A Collection of Essays Written in Favour of the New Constitution* (New York, NY: The New-York packet, 1787).

<https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-10>.

<sup>xxiv</sup> Jeff Flake. *Conscience of a Conservative* (New York, NY: Random House, 2017).

<sup>xxv</sup> "Functions and Powers of the United Nations Security Council." <http://www.un.org/en/sc/about/functions.shtml>

<sup>xxvi</sup> See "United Nations Securities Council Subsidiary Organs." <https://www.un.org/sc/suborg/en/>

<sup>xxvii</sup> I have asked Marc Groz to prepare this description for inclusion.

<sup>xxviii</sup> Rich Lowry. "Defund the United Nations," *National Review*, December 30, 2016.

<http://www.nationalreview.com/article/443424/united-nations-united-states-should-withhold-funding>.

<sup>xxix</sup> John Bolton, "The UN doesn't work. Here's a fix," *The Boston Globe*, October 15, 2015.

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<sup>xxx</sup> Margaret Thatcher, "Speech to United Nations General Assembly (Global Environment)," *Margaret Thatcher Foundation*, November 8, 1989, <https://www.margaretthatcher.org/document/107817>.

<sup>xxx</sup>i Grace Wyler, "Bobby Jindal: The GOP 'Must Stop Being The Stupid Party'," *Business Insider*, January 25, 2013. <http://www.businessinsider.com/jindal-gop-stupid-party-rnc-2013-1>.

<sup>xxx</sup>ii Talbot, 410.