



THE URGENT NEED FOR A GLOBAL CLIMATE CHANGE AUTHORITY TO ENFORCE CLIMATE AGREEMENTS

WITH AN INTRODUCTION TO A CONTINGENT COMMITMENT FACILITY FOR NEGOTIATING BINDING AND ENFORCEABLE AGREEMENTS

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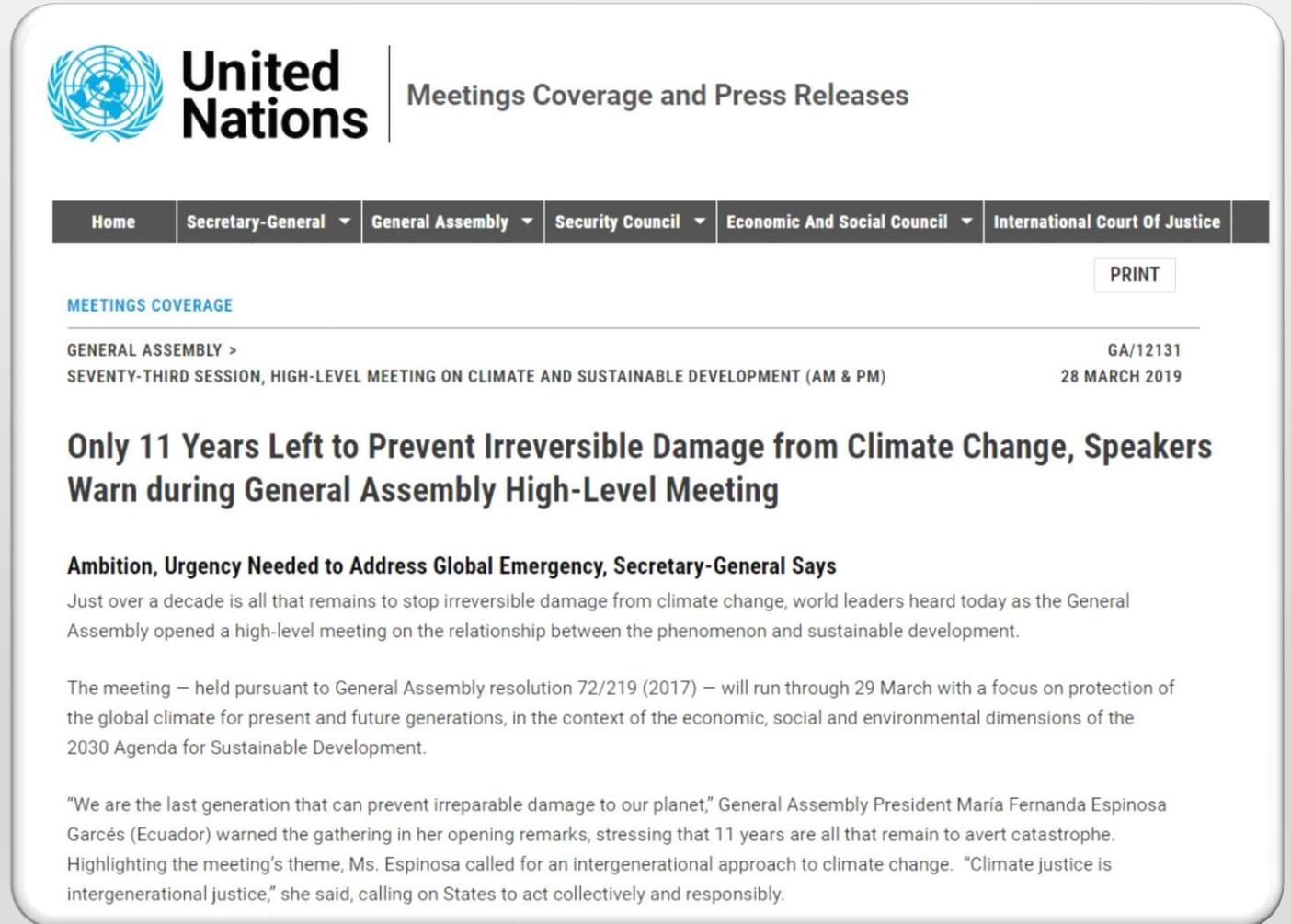
WHY A GLOBAL AUTHORITY IS NEEDED

- Time has run out for the world to address climate change as the dire threat that it is
- The United Nations' own reports have made this plain, as have hundreds of scientific studies undertaken by climate and Earth system science experts
- Yet, the world's states (and the UNFCCC) are still seeking to assure that the pledges which they have made to address the threat are via *voluntary* compliance, the good will and intentions of each state
- If the climate threat is construed as an “emergency,” as many scientists and policy makers do, and as the UN/UNFCCC itself does, then reliance upon voluntary compliance alone is both **inappropriate** from the perspective of risk management, and also deeply **immoral**, given that future generations are at stake, as well as tens of thousands of nonhuman species

WHY A GLOBAL AUTHORITY IS NEEDED

The United Nations itself has said, in March 2019, that “We are the last generation that can prevent irreparable damage to our planet.”

Yet, the lack of a global authority to enforce climate commitments regarding GHG reduction and convert to green technologies in no way jibes with the stated urgency.



The screenshot shows the United Nations website's 'Meetings Coverage and Press Releases' section. The header includes the UN logo and the text 'United Nations Meetings Coverage and Press Releases'. A navigation bar contains links for Home, Secretary-General, General Assembly, Security Council, Economic And Social Council, and International Court Of Justice. A 'PRINT' button is visible on the right. The main content area is titled 'MEETINGS COVERAGE' and features a breadcrumb trail: 'GENERAL ASSEMBLY > SEVENTY-THIRD SESSION, HIGH-LEVEL MEETING ON CLIMATE AND SUSTAINABLE DEVELOPMENT (AM & PM)'. The article title is 'Only 11 Years Left to Prevent Irreversible Damage from Climate Change, Speakers Warn during General Assembly High-Level Meeting'. The sub-headline is 'Ambition, Urgency Needed to Address Global Emergency, Secretary-General Says'. The text of the article begins with 'Just over a decade is all that remains to stop irreversible damage from climate change, world leaders heard today as the General Assembly opened a high-level meeting on the relationship between the phenomenon and sustainable development.' It continues with 'The meeting – held pursuant to General Assembly resolution 72/219 (2017) – will run through 29 March with a focus on protection of the global climate for present and future generations, in the context of the economic, social and environmental dimensions of the 2030 Agenda for Sustainable Development.' The final paragraph quotes General Assembly President María Fernanda Espinosa Garcés (Ecuador) as saying, 'We are the last generation that can prevent irreparable damage to our planet,' and calls for an intergenerational approach to climate change.

THE BEST CANDIDATE TO CREATE A GLOBAL CLIMATE AUTHORITY IS THE **UNITED NATIONS**, AND SPECIFICALLY THE UN SECURITY COUNCIL . . .



WHY A GLOBAL AUTHORITY IS NEEDED

- In 2017, I authored a [paper](#) making the case for a global climate change authority. The paper addressed the deficiencies in relying on voluntary compliance, and it addresses most of the political hurdles. (An updated version of that paper is being prepared for publication.)
- That paper was shared with the UN Secretary-General, **António Guterres**, in following up with a brief, private conversation we had on 27 February at The New School, in New York (where I am a member of the Board of Trustees).
- This led to follow-up e-mail exchanges and private conversations with designated UN personnel involved with the ongoing work at the UNFCCC and related interagency work.

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. Gardinerⁱ

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)ⁱⁱ

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);ⁱⁱⁱ 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

THE POLITICAL HURDLES MUST BE OVERCOME; THERE IS NO CHOICE

- As the Secretary-General and I discussed, the political hurdles to the creation of a global climate change authority are daunting, but they are far less daunting than the prospects of the kind of planet climate change will produce
- What makes things seem even more daunting is the turn to the right that many states have taken. The United States, Brazil, Germany, France, Austria, Italy, Hungary, and The Netherlands have seen hard-right factions gain considerable influence and/or power. The notion of an international authority, in such an international political climate, seems virtually absurd.
- Given what's at stake, for this and future generations, that is not a reason not to pursue the creation of such an authority. One thing is clear, if we don't make the demand for a global authority, bringing in the voices of and pressure from global citizens, it certainly will not happen.
- Arguments can be made that such an authority, which would indeed require a limited ceding of state sovereignty, **is actually the politically conservative thing to do**, as it would be an instrument that would help to head-off the cultural and administrative disruptions that are sure to come if we don't act now. I have made some of those arguments in my paper.

OVERCOMING CONSERVATIVE RESISTANCE AND THE PRISONER'S DILEMMA: A CONTINGENT COMMITMENT FACILITY FOR NEGOTIATING AGREEMENTS

The Problem of Forging Commitments: The Prisoner's Dilemma

- a. The world's states' efforts to mitigate damage from climate change is faced with a troubling dilemma, a dilemma that impacts climate negotiations
- b. Even though everyone knows that a strong communal good comes from cooperative action, many are held back by fear of being taken advantage of by "free riders"
- c. This type of situation—modeled by mathematicians and psychologists as "the prisoner's dilemma" or related "collective action problem" is not unique to climate change
- d. It arises whenever people lack adequate information about the intentions of others and are forced to make choices that pit a collective good against a private one

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Solution

- a. A new type of computer-based negotiation platform resolves this long-standing problem.
- b. Invented by my associate **Marc Groz**, a mathematician and capital markets and risk expert, in 2013 (US Patent 8,571,969), it is called a Contingent Commitment Facility (“CCF”)
- c. CCF equips parties to a negotiation with a powerful new tool that allows them to make contingent commitments (“CC”s)
- d. CCs—which may be public, absolutely confidential, or selectively disclosed—specify circumstances under which each of the parties would agree to one or more binding commitments (“BC”s)
- e. CCF analyzes the full set of CCs and informs the parties whether any BCs have been created through satisfaction of relevant contingencies
- f. Acting as a neutral third party, CCF transforms these “prisoner’s dilemma” type of situations by offering parties a third choice, the ability to say “Yes, if...”, thereby reducing or even eliminating the fear factor that undermines cooperation

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Creating a CCF to Create Binding Commitments and that Can Help Create the Conditions for a Global Climate Authority

- a. A purpose-built CCF for Climate Change (“CCF4CC”) would allow parties (states) to map out what they would be willing to do based on relevant contingencies, including other parties’ commitments.
- b. By default, the system keeps the original inputs confidential to those parties who made them.
- c. However, sometimes parties may wish (or need) to go public with one or more of their commitments, or share them with a subset of other parties, and this can be done as well.
- d. The output of a CCF4CC can include term sheets, binding legal agreements, funds transfers, or other machine-triggerable events based on the CCs of the parties.
- e. A working prototype of CCF4CC can be up and running within four months, and the UN can sponsor and license the CCF4CC, with a modest outlay of resources
- f. The prototype for negotiations can then be tested by appropriate UN personnel

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David McClean is a Senior Lecturer in Philosophy and Business and Professional Ethics at Rutgers University, Newark, where he teaches courses in social ethics, environmental philosophy and ethics, business and professional ethics, and other subjects in philosophy. He is the Principal of The DMA Consulting Group, which provides regulatory, risk, and governance services to financial services industry firms. He is the editor of *The Integrated Ethics Reader: Reconnecting Thought, Emotion, and Reverence in a World on the Brink* (Cognella, 2019, revised 2020), and has authored *Wall Street, Reforming the Unreformable – An Ethical Perspective* (Routledge, 2015), *Richard Rorty, Liberalism, and Cosmopolitanism* (Routledge, 2014), and a self-published 257-page monograph on climate change, “Climate Change: The Moral and Political Imperatives” (2017). Dr. McClean was recently nominated to serve as a member of the Council on Foreign Relations.